

HEARING ON THE NOMINATIONS OF WILLIAM
CHARLES MCINTOSH AND PETER C. WRIGHT
TO BE ASSISTANT ADMINISTRATORS OF THE
ENVIRONMENTAL PROTECTION AGENCY

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION
JUNE 20, 2018

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

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**HEARING ON THE NOMINATIONS OF WILLIAM
CHARLES MCINTOSH AND PETER C.
WRIGHT TO BE ASSISTANT ADMINISTRA-
TORS OF THE ENVIRONMENTAL PROTEC-
TION AGENCY**

WEDNESDAY, JUNE 20, 2018

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The Committee met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Wicker, Fischer, Rounds, Ernst, Sullivan, Cardin, Whitehouse, Gillibrand, Booker, Markey, and Van Hollen.

**OPENING STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM THE STATE OF WYOMING**

Senator BARRASSO. Good morning. I call this hearing to order.

Today we will consider two nominees to serve as Assistant Administrators of the Environmental Protection Agency, William Charles “Chad” McIntosh, former Manager of Global Environmental Policy at the Ford Motor Company, and Peter C. Wright, Managing Counsel at Dow Chemical Company.

Both nominees before us today are well qualified and will bring a wealth of experience and expertise to critically important roles in protecting America’s public health and safety.

President Trump has nominated Chad McIntosh to lead the EPA’s Office of International and Tribal Affairs. The Office of International and Tribal Affairs coordinates EPA’s interaction with tribal and foreign governments. The office works across EPA’s programs and regions to develop and implement policies and programs to protect the public health and the environment.

Tracy Mehan, former Assistant Administrator of EPA’s Office of Water and former Director of Michigan’s Office of the Great Lakes, said this of Mr. McIntosh: “As someone who has had the pleasure to work with Chad McIntosh on Great Lakes and other environmental issues in Michigan State government, I can testify to his solid technical, policy, and legal expertise as both an engineer and an attorney. He was a conscientious public servant and an outstanding conservationist. He will be an excellent addition to the team at EPA. He is a great colleague and administrator.”

President Trump has also nominated Peter Wright. If confirmed, he will lead EPA's Office of Land and Emergency Management. The Office of Land and Emergency Management provides policy, guidance, and direction for EPA's emergency response and waste programs. This office oversees the Superfund program, which is a priority for this Administration, as well as this Committee.

John Milner, the Chair of the American Bar Association's Section on Environment, Energy, and Resources, said this of Mr. Wright: "Peter's career, his selfless commitment to the American Bar Association's Section of Environment, Energy, and Resources, and the members it serves, and his well recognized personal integrity exemplify the highest standards of the legal profession. We enthusiastically and without reservation support the consideration of Peter as Assistant Administrator of OLEM and believe Peter will serve the office with distinction and honor."

There are approximately 1,300 listed Superfund sites across the country that are a threat to the environment, to public health, and the economy. These sites must be cleaned up in a thorough and efficient manner. Likewise, there are approximately 450,000 Brownfields sites that also need to be addressed. The EPA Brownfields Program is a great example of Washington working with local communities to address pollution and to find new uses for long abandoned sites.

Earlier this year this Committee was able to pass and get signed into law bipartisan legislation reauthorizing EPA's important Brownfields Program. This law will assist States and local communities in their efforts to clean up and reuse these properties.

The EPA needs a leader like Mr. Wright to ensure that the EPA's Superfund and Brownfields Programs properly address America's contaminated sites.

I look forward to hearing from both Mr. McIntosh and Mr. Wright today as the Committee considers their nominations.

I would like to now turn to the Ranking Member for his statement, Senator Carper.

Senator CARPER. Thanks, Mr. Chairman.

Good morning, one and all. Welcome to our friends.

Have you already been introduced?

Senator BARRASSO. No. We have the Senator and the Congressman to do the initial introductions.

Senator CARPER. OK. Should they go first so they can leave?

Senator BARRASSO. That would be fine. I don't want to take—

Senator CARPER. You all go ahead, please.

Senator BARRASSO. Well now, Senator Daines, would you like to introduce Mr. Wright? Welcome to the Committee.

**STATEMENT OF HON. STEVE DAINES,
U.S. SENATOR FROM THE STATE OF MONTANA**

Senator DAINES. I would be happy to. Thanks, Mr. Chairman.

I want to thank Chairman Barrasso and Ranking Member for allowing us to be here today.

I would also like to welcome to the Committee Mr. Peter C. Wright. Mr. Wright and I met in my office just last week, and if confirmed, I trust he will excel as EPA's Assistant Administrator for the Office of Land and Emergency Management.

Mr. Wright has an extensive background in environmental law and regulatory counseling. In fact, during his nearly 20 years at the Dow Chemical Company, he has led legal strategy on hundreds of Superfund, State-led, and other remediation sites.

Mr. Wright has also been a leader of the American Bar Association's Section of Environment, Energy, and Resources. He earned his J.D. summa cum laude from Indiana University and his A.B. summa cum laude from Wabash College.

If confirmed, Mr. Wright will carry out Administrator Pruitt's mission. For one, he will continue the charge on improving the Superfund Program.

Let me tell you something, last Friday I was in Anaconda, Montana. It is one of the Superfund sites. Under Administrator Pruitt and the EPA, we are finally working to bring closure—an end—to some of these Superfund sites that have just dogged us for years in Montana. In fact, this was declared a Superfund site in 1983. I was a junior in college at Montana State University when that occurred, and there is no signed consent decree yet. The studies are done. It is time to stop studying it and move to closure.

I will tell you something, Doug Benevento, Region 8, EPA has been in Anaconda. I think he is almost a permanent resident there. He has the community support, working with the local officials, the State officials, and we are actually starting to see property values start to increase for the first time in Anaconda, Montana, in a long time.

He understands the need to improve the way the EPA oversees environmental cleanup and hazardous waste sites and the need to see those cleanups happen more expeditiously, while protecting human health and the environment. I saw that firsthand last Friday.

This program is personal to me, coming from Montana, where we are home to two of the most expensive and expansive Superfund sites in the Nation.

I would also like to thank Chairman Barrasso and Ranking Member Carper for having me here and for the opportunity to introduce this highly qualified nominee. I hope to see him clear this Committee so that the full Senate can consider his nomination swiftly.

Thank you.

[The prepared statement of Senator Daines follows:]

STATEMENT OF HON. STEVE DAINES,
U.S. SENATOR FROM THE STATE OF MONTANA

Mr. Wright has an extensive background in Environmental Law and regulatory counseling. In fact, during his nearly 20 years at Dow Chemical Company he has led legal strategy on hundreds of Superfund, State-led, and other remediation sites.

Mr. Wright has also been a leader of the American Bar Association's section of environment, energy, and resources. He earned his J.D. summa cum laude from Indiana University and his A.B. summa cum laude from Wabash College.

If confirmed Administrator Wright will carry out Secretary Pruitt's mission. For one, he'll continue the charge on proving the Superfund program.

Let me tell you something, last Friday, I was in Anaconda, Montana; it's one of the Superfund sites. Under Administrator Pruitt and the EPA we're finally working to bring closure—an end—to some of these Superfund sites that have just dogged us for years in Montana. In fact, this was declared a Superfund site in 1983; I was a junior in college at Montana State University when that occurred, and there's no signed consent decree yet.

So the studies are done; it's time to stop studying it and move to closure, and I'll tell you something—Doug Benevento, Region 8 Administrator has been in Anaconda so long I think he's almost a permanent resident there. He's got the community support, working with the local officials, the State officials, and we're actually seeing property value begin to increase for the first time in Anaconda in a long time. He understands the need to improve the way the EPA oversees environmental cleanup at hazardous waste sites and the need to see those cleanups happen more expeditiously while protecting human health and the environment. I saw that firsthand last Friday. This program is personal to me coming from Montana where we're home to two of the most expansive Superfund sites in the Nation.

I'd also like to thank Chairman Barrasso and Ranking Member Carper for having me here and for the opportunity to introduce this highly qualified nominee. I hope to see him clear this Committee so that the full Senate can consider his nomination swiftly.

Senator BARRASSO. Thank you very much, Senator Daines. We appreciate you taking time to be here. We know you have a very busy schedule this morning. If you need to excuse yourself, please do.

We would also like to welcome to the Committee Congressman Tom Rice from South Carolina's 7th Congressional District, who is here to introduce Mr. McIntosh.

Congressman Rice, welcome to the Committee. Thank you for being here today.

**STATEMENT OF HON. TOM RICE, U.S. REPRESENTATIVE
FROM THE STATE OF SOUTH CAROLINA**

Representative RICE. Thank you, Mr. Chairman. It is my pleasure to introduce Chad McIntosh, who recently moved to Murrells Inlet, South Carolina, in my district, along with about 10 percent of the population of the Northeast and the Midwest who continue to pour in to our beautiful, beautiful district.

I imagine he is enjoying the weather quite a bit more now. I only met him last week; was very impressed with him and was convinced to do this introduction when he shared with me that he is—like me—an offshore fisherman and would share some of his GPS coordinates to his favorite fishing holes.

Mr. McIntosh is a strongly qualified nominee to lead the EPA's Office of International and Tribal Affairs as an Assistant Administrator. Mr. McIntosh's extensive engineering and legal experience strongly position him to take on this role at the EPA. He spent 20 years managing global and environmental policy at Ford Motor Company, where he managed environmental quality offices at multiple international locations, and provided environmental regulatory compliance, permit development, and enforcement negotiation for all of the company's manufacturing facilities.

Before his time at Ford Motor Company, he served as Deputy Director for the Michigan Department of Environmental Quality, where he worked closely with tribal and State leaders, oversaw regulatory reform and criminal investigations, and directed the development of administrative rules packages for the State.

He has demonstrated his ability to develop and implement sound regulatory policy and manage large organizations. His leadership skills and wealth of experience will make him a strong asset for the Environmental Protection Agency.

I yield.

Senator BARRASSO. Well, thank you very much for being with us, Representative Rice. I know you have a busy schedule as well. You are welcome to stay for the entirety of the hearing, if you would like, but I know you have additional commitments, so thank you for joining us today.

Senator CARPER. Representative Rice, before you leave, could I just ask you a couple questions?

[Laughter.]

Senator BARRASSO. I would be careful.

Representative RICE. Yes, sir.

Senator CARPER. My wife is from western North Carolina. Her father is from South Carolina. He is now deceased. Star Stacy was his name. And if I closed my eyes when you were talking, I would swear he was at this table. It was great to hear that South Carolina accent.

Representative RICE. If your wife is from North Carolina, she has probably been to Myrtle Beach once or twice.

Senator CARPER. We will talk about that later.

[Laughter.]

Senator CARPER. Thanks for joining us.

Senator BARRASSO. Senator Carper, would you like to continue with your opening statement? Then I will introduce the nominees.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thank you, Mr. Chairman.

To our nominees, welcome, one and all. Thank you for your willingness to serve. I presume there are probably some members of your families that are here.

If you happen to be a family member of one our nominees today, would you just raise your hand? Just raise your hand. OK. All right.

If you are, but you don't want to admit it, would you raise your hand?

[Laughter.]

Senator CARPER. OK.

Well, Mr. Chairman, thanks for bringing us together. We are here to consider the nominations of Chad, also known as William Charles McIntosh, who has been selected to lead the EPA Office of International and Tribal Affairs, and Peter Wright, President Trump's pick to lead EPA's Office of Land and Emergency Management.

As my colleagues know, sometimes to our witnesses, our nominees, I describe myself as a recovering Governor. I am still recovering, and some others are also recovering Governors here. But for the most part, I believe that executives—including Governors, mayors, and even Presidents—generally deserve a preference and deference, if you will, in picking their leadership teams, and I have agreed to confirm a number of Trump administration nominees by voice vote; not for long, drawn out debates and battles and so forth, but by voice votes.

I did so because I expected that this Committee would hold nominees accountable for their actions and conduct necessary oversight, and doing so would follow the Committee's historical precedent

that has always been adhered to, regardless of which political party was in the majority.

This Committee has the responsibility to conduct oversight of the Federal agencies within our jurisdiction, and there are a bunch of them, as well as the leadership at those agencies. Any member of this Committee is entitled to request an oversight hearing if he or she believes it is warranted. Historically, we have held regular oversight hearings, especially when events clearly warrant such hearings.

I can think of no time in all my years in government when events more clearly warranted an immediate series of hearings with an administrator, in this case the Administrator of the EPA. Today we are learning, almost every day, of a new scandal—some small, some not small—involving Administrator Pruitt, and I want to highlight just a couple of those, if I could.

Mr. Pruitt has used EPA staff to help his wife find a job, search for real estate, try to buy a used mattress for the Trump Hotel—

Senator INHOFE. Mr. Chairman, sorry to interrupt here. First of all, you should qualify this by saying he has been accused of the following. It is a big difference. I happen to know him well. I know what you just said is not correct.

Senator CARPER. Well, we all have a right to disagree, and we have heard this repeatedly from a lot of different sources. I appreciate very much my colleague's words.

Mr. Pruitt has spent exorbitant amounts of taxpayer dollars on apparently illegal \$43,000 phone booth and foreign trips organized by lobbyists. He has accepted tickets to sporting goods and below market rent on his condo from people who had business before the EPA. At the request of political supporters, he accelerated the Superfund cleanup process and directed that EPA research dollars be used for pet projects. For months now Mr. Pruitt's behavior has been concerning and clearly, to most of us, I think, unethical.

However, in recent weeks new revelations show that some of the Administrator's actions may be illegal. We are a separate, co-equal branch of Government. We don't need permission to conduct oversight, and we are abdicating a fundamental responsibility of this body if we continue to fail to do so.

As of today the majority of members of this Committee, including a majority of Republicans, I believe, have stated that they would like to see Mr. Pruitt testify and provide much needed answers about his misconduct.

I know that our Chairman announced last night that the Administrator may be coming before our Committee sometime in August. I welcome that, but frankly, a hearing with the Administrator is already long overdue. Mr. Pruitt has come before our Committee only once during his entire tenure as Administrator of the EPA.

I don't believe anyone would argue with me when I say that if Lisa Jackson or Gina McCarthy had done even one or two of the many things that Mr. Pruitt has done, appears to have done, the majority would have had them before us testifying every other week.

Now, as far as I know, this Committee does not yet have any other hearings on the books. We shouldn't go, I think, 8 weeks before we invite Mr. Pruitt to appear to answer for, I believe, his mis-

behavior. I believe I speak for my colleagues, both Republican and Democrat, that we will clear our schedules and make time available as soon as possible.

Having said that, let me just say to our witnesses here today, our nominees here today, we appreciate that you are here. We appreciate the opportunity to meet with you yesterday. We appreciate your willingness to serve. I was able to meet with both of you yesterday and look forward to learning more about your visions for the important positions to which you have been nominated.

I do need to caution you both that your paths to confirmation will be troubled. Will be troubled. Could be troubled. Of the 60 oversight letters the Democratic members have sent to EPA, we received complete responses to only 23, less than half. The last time I tried to work with EPA to expedite the consideration of a nominee, Mr. Pruitt reneged on an agreement that he had previously made with me, so the Administrator's failure to work constructively with this Committee has put you in a tough spot.

You are also looking to work at an agency run by an Administrator who seemingly has no qualms about asking his staff to do things that are inappropriate, maybe even illegal. The Administrator has put politics and his own personal gains ahead of the EPA's mission to protect public health and our environment. The Committee should know how you both plan to address this kind of work culture, should you be confirmed.

Mr. Wright, you have been nominated to serve as Assistant Administrator for the Office of Land and Emergency Management, which sets Federal guidelines for both hazardous and non-hazardous waste disposal, and oversees State and local waste disposal programs. The Office is also responsible for overseeing Superfund cleanups of the most contaminated sites on EPA's National Priorities List.

The Office also acts as the Federal Government's environmental first responder in the events of oil spills, chemical accidents, natural and other environmental disasters. For example, the Office of Land and Emergency Management was on the scene during the Deepwater Horizon oil spill and in the aftermath of last year's hurricanes in Texas, Florida, Puerto Rico, and the U.S. Virgin Islands.

Mr. Wright comes to us from Dow Chemical Company, now DowDuPont, where he has helped lead Dow's Superfund cleanup work. Mr. Wright has agreed to recuse himself from working on any Superfund site that DowDuPont may be responsible for contaminating for at least 2 years. For Dow sites that he has personally and substantially worked on, he has agreed to permanent recusal.

I commend Mr. Wright for working on this recusal statement prior to confirmation—prior to confirmation. He has committed to take more meaningful steps to address potential conflicts of interest than any previous Trump administration nominee that I am aware of, and I commend you for that.

I would ask Mr. Wright that he provide the Committee with further assurances that he will not seek a waiver from these recusals. I also want to know more about how he plans to implement the duties of his office. Science informs how EPA cleans up contaminated sites and manages solid waste. For example, many Superfund sites

are vulnerable to flooding and sea level rise from extreme weather and from climate change. The level of risk posed by toxic metals reaching into groundwater from coal ash disposal sites requires careful application of toxicological, geochemical, and hydrological data.

Does Mr. Wright accept the scientific consensus that humans are responsible for climate change, and how will climate impacts inform his work? Will he continue to use best available science in monitoring protocols and disposal standards for coal ash?

The Office of International and Tribal Affairs plays a critical role in international relations at EPA and interactions with the tribal communities across the Nation. Environmental issues do not adhere to international boundaries, and this office assists in international concerns that expand beyond our borders. In addition, this Office maintains the government to government relationships between EPA and tribal nations and the U.S.

Mr. McIntosh, as has been noted, has worked at Ford Motor Company, an excellent company, for the State of Michigan. We look forward to hearing from Mr. McIntosh regarding his work in these areas and his plans to continue the mission of the office to which he has been nominated.

Again, we welcome our witnesses and look forward to your testimony. Thank you so much.

And to the family members and guests that are here, we welcome you as well.

Senator BARRASSO. Well, thank you, Senator Carper.

First, let me note that the EPW Committee is the only committee in Congress to have held an oversight hearing on the EPA this year. That hearing took place on January 30th. Administrator Pruitt testified before us for nearly 2 and a half hours. Since then the Administrator has testified before three additional committees, for an additional 8 hours on Capitol Hill. I have consistently said that I plan to call Administrator Pruitt to testify for a second time this year.

The EPA's Inspector General is in the middle of conducting a number of reviews related to the Office of the Administrator, and I understand that the Inspector General will have completed several reviews later this summer. For that reason, I have asked Administrator Pruitt to testify before us in August, and we are working on the final date so that we can have that as a substantive hearing, because we will actually have information from the Inspector General before the Administrator appears.

Senator CARPER. Mr. Chairman, can I say again I am delighted—not delighted, I am pleased that we are going to have a hearing, that he is going to be before us, but I would just suggest again if Gina McCarthy or Lisa Jackson, the two previous Administrators of EPA, had been accused of even a fraction of what Mr. Pruitt has been accused of, they would be sitting at this desk week after week after week explaining what is going on at EPA and why are they doing those things, and that is why we are anxious to get this hearing scheduled as soon as possible.

Thank you.

Senator BARRASSO. Senator Inhofe.

Senator INHOFE. Mr. Chairman, I plan, it's significant enough that I am going to skip the vote. So, if you all want to go ahead and go vote, I will hold it open until you get back. I will have a chance to make a few statements myself, if that is permissible with you.

Senator BARRASSO. That most certainly is, so we can continue with the hearing.

Just to tell the two people who testify today, the nominees, that we are in the middle of several roll call votes, so people will be coming and going, and Senator Inhofe has graciously agreed to stay here and continue the hearing so we don't have to take a disruption of activities here.

So, I am delighted that you are both here today, and I want to welcome the two nominees to the Committee, Chad McIntosh, nominee to be Assistant Administrator for the EPA's Office of International and Tribal Affairs, and Peter Wright, nominee to be Assistant Administrator for the EPA's Office of Land and Emergency Management.

I want to remind each of you that your full written testimony will be made part of the record. I look forward to your testifying.

We will first hear from Mr. McIntosh and invite you to introduce your family.

Please proceed.

STATEMENT OF WILLIAM CHARLES MCINTOSH, NOMINEE TO BE ASSISTANT ADMINISTRATOR FOR THE OFFICE OF INTERNATIONAL AND TRIBAL AFFAIRS

Mr. MCINTOSH. Thank you, Senator Barrasso. I would like to introduce my son, Scott, and his wife, Katie, who are here today. I have a number of other family members that are watching TV.

Senator BARRASSO. Please, proceed.

Mr. MCINTOSH. Good morning, Chairman Barrasso, Ranking Member Carper, and esteemed members of the Committee. I count it a high honor to appear before you as you carry out your responsibility to provide advice—and hopefully consent—for my nomination for the position of Assistant Administrator for the U.S. EPA Office of International and Tribal Affairs.

I am humbled and thrilled to be nominated by President Trump. Thank you, Mr. President, for your confidence in me. If confirmed, I promise to faithfully carry out my duties.

Thank you, Administrator Pruitt, for trusting in me and for supporting this nomination.

Forty years ago the Michigan Department of Natural Resources hired me to review permit applications submitted under the Clean Air Act. I worked in the Air, Hazardous Waste, and Radioactive Waste programs before having the opportunity to work as Governor Engler's environmental and natural resources policy advisor. I shepherded the Clean Air Act amendments of 1990 through the State legislature, enjoying broad bipartisan support; reformed the State remediation laws; codified the environmental and natural resources statutes; and improved the State's wastewater infrastructure.

I spent 19 proud years with the Ford Motor Company, where compliance with environmental regulations is the minimum and improving the environment is expected.

To the Office of International and Tribal Affairs, I cannot wait to start working with you, if confirmed. You embody the mission of the EPA to protect human health and the environment through your tribal mission and our work with our international partners.

When I started my environmental protection career, Lake Erie would catch fire, portions of the regulated community were recalcitrant in their compliance, and States and Tribes were just learning how to implement their environmental responsibilities.

The States and Tribes have become so much more capable over the last 40 years. Cooperative federalism has become essential. In many cases there is no longer a need for a Federal redundancy in regulation; we can work with the States and Tribes to faithfully implement the laws and fully protect public health and the environment by providing oversight and assistance without duplicating their actions. Many companies fully embrace environmental compliance.

President Trump and Administrator Pruitt have set an aggressive agenda that I am excited to help implement, should I be confirmed. Administrator Pruitt is focusing the Agency on the implementation of Federal laws. I look forward to helping ensure that the Agency's regulations and guidance faithfully and literally implement the laws of the land.

We have made so much progress, and the environment is so much cleaner over the span of my career. I am thrilled to have the opportunity to be part of the EPA as it assists the States and Tribes and provides an example to other nations of how to work to protect the environment, should I be confirmed.

Again, Mr. Chairman and members of the Committee, thank you again for your time and the opportunity to appear before you.

[The prepared statement of Mr. McIntosh follows:]

William Charles "Chad" McIntosh
Nominee to be Assistant Administrator
Office of International and Tribal Affairs (OITA)
U.S. Environmental Protection Agency (EPA)

President Trump nominated W. Charles "Chad" McIntosh to serve as Assistant Administrator for the Office of International and Tribal Affairs of the U.S. Environmental Protection Agency on April 9, 2018. Mr. McIntosh most recently served as a Manager at Ford Motor Company in the Environmental Quality Office from 1998 to 2017. Previously, he served as Deputy Director of the Michigan Department of Environmental Quality from 1994 to 1998. At Michigan's DEQ, Mr. McIntosh supervised regulatory reform and criminal investigations and directed the development of administrative rules for the state. In addition, Mr. McIntosh served as Michigan Governor John Engler's, Environmental and Natural Resources Policy Advisor from 1991 to 1994. He also worked as an Environmental Engineer with the State of Michigan's Department of Natural Resources and Public Health from 1978 to 1991. Mr. McIntosh holds a B.S. in Chemical Engineering from Michigan State University and a J.D. from Western Michigan University.

**Statement of W. Charles McIntosh
Nominated to be Assistant Administrator,
Office of International and Tribal Affairs
U.S. Environmental Protection Agency**

Good morning, Chairman Barrasso, Ranking Member Carper, and esteemed members of the Committee. I count it a high honor to appear before you as you carry out your responsibility to provide advice and, hopefully, consent for my nomination for the position of Assistant Administrator for the U.S. EPA Office of International and Tribal Affairs.

I am humbled and thrilled to be nominated by President Trump. Thank you Mr. President for your confidence in me. I promise to faithfully carry out my duties. Thank you Administrator Pruitt for trusting in me and supporting this nomination.

40 years ago, the Michigan Department of Natural Resources hired me to review permit applications submitted under the Clean Air Act. I worked in the air, hazardous waste and radioactive waste programs, before having the opportunity to work as Governor Engler's Environmental and Natural Resources Policy Advisor. I shepherded the Clean Air Act Amendments of 1990 through the state legislature, enjoying broad bipartisan support. We reformed the state remediation laws, codified the environmental and natural resources statutes, and improved the state's wastewater infrastructure.

I spent 19 proud years with the Ford Motor Company, where compliance with environmental regulations is the minimum and improving the environment is expected.

To my colleagues in the Office of International and Tribal Affairs, I cannot wait to start working with you. You embody the mission of the EPA to protect human health and the environment through our Tribal mission and our work with our International partners.

When I started my environmental protection career, Lake Erie would catch fire, portions of the regulated community were recalcitrant in their compliance and the states and tribes were just learning how to implement their environmental responsibilities.

President Trump and Administrator Pruitt have set an aggressive agenda that I am excited to help implement should I be confirmed.

Administrator Pruitt is focusing the agency on the implementation of federal laws. I look forward to helping ensure that the agency's regulations and guidance faithfully and literally implement the laws of the land.

The states and tribes have become so capable over the last 40 years, cooperative federalism has become essential. In many cases, there is no longer a need for federal redundancy in regulation. We can work with the states and tribes to faithfully implement the laws and fully protect the public health and the environment by providing oversight and assistance without duplicating their actions.

We have made so much progress and the environment is so much cleaner, over the span of my career, I am thrilled to have the opportunity to be part of the EPA as it assists the states and tribes and provides an example to other nations working to protect the environment.

Mr. Chairman and members of the committee, thank you again for your time and the opportunity to appear before you.

Senate Committee on Environment and Public Works
Hearing entitled, “Hearing on the Nominations of Chad McIntosh and Peter Wright to be
Assistant Administrators of the Environmental Protection Agency.”
June 20, 2018
Questions for the Record for Chad McIntosh

Chairman Barrasso:

1. Mr. McIntosh, if confirmed, you will be responsible for EPA’s interaction with foreign governments and international institutions. In October 2015, prior to the Paris Climate Agreement, then-Chairman James Inhofe wrote EPA Administrator, Gina McCarthy, requesting that EPA provide a witness for an upcoming hearing on international climate negotiations. In response, EPA sent Chairman Inhofe a letter that reads, “the agency does not have a witness who can speak to the issues that are the topic of this hearing.” (A copy of this letter is attached for your review.) I found EPA’s response to be astonishing.

During the Obama administration, EPA played a principal role in developing the federal regulations that would be necessary to meet any potential targets under the Agreement. In addition, EPA Administrators played a role as part of the U.S. delegation to international climate change conferences in the past. Gina McCarthy’s predecessor, Lisa Jackson, had even attended and delivered remarks at the UN Copenhagen Climate Change Conference in 2009. If confirmed, will you commit to testifying before this committee on EPA’s interaction with foreign governments and international institutions?

Yes, if confirmed.

Ranking Member Carper:

2. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law.
 - a. Do you agree that it is essential that in making decisions, the Office of International and Tribal Affairs (OITA) must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

I agree it is important for the EPA, including the Office of International and Tribal Affairs, to be shielded from political influence.

- b. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to OITA staff, including you, occur?

I commit to restricting any inappropriate communications, including from political influence.

3. Whistleblower laws protect the right of federal employees to make lawful disclosures to agency management officials, the Inspector General, and the Office of Special Counsel. They also have the right to make disclosures to Congress.

Specifically, 5 U.S.C. § 7211 states that the "right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied." Further, 5 U.S.C. § 2302(b)(8), makes it a violation of federal law to retaliate against whistleblower because of "(A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation..." In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry.

- a. If you are confirmed, will you commit to protect the rights of all OITA career employees to make lawful disclosures, including their right to speak with Congress?

Yes, if I am confirmed.

- b. Will you commit to communicate employees' whistleblower rights via email to all OITA employees within a week of being sworn in?

If confirmed, I will ensure that the EPA employee's whistleblower rights are communicated to them in a timely fashion.

4. In your ethics agreement you state: "I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2)." You also state: "I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Ford Motor Company, unless I

first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).”

- a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek a waiver to participate.

If confirmed, I will rely on the guidance from EPA’s career ethics officials to determine any issues for which I may be recused.

- b. 5 C.F.R 2635.502(a) states that: “where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.” Do you agree that your representation of Ford Motor Company, or Ford Motor Company’s representation of itself, in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

If confirmed, I will rely on the guidance from EPA’s career ethics officials to determine any issues for which I may be recused.

- c. The SF-278 form you completed notes you were scheduled to receive a performance-based bonus in March 2018 based on your performance in 2017. Did you receive the bonus? If yes, please state the date on which you received the bonus. How did it compare to previous performance bonuses?

I received a bonus on March 14, 2018. The bonus covered 9 months of 2017 due to my retirement at the end of September. It was in the same range as previous bonuses.

- d. Further, the SF-278 form you completed also mentions that portions of your unvested restricted stock units will vest in March 2018, March 2019, and March 2020. However, your ethics letter to Designated Agency Ethics Official, Kevin

Minoli, does not mention the vesting in March 2018. Did the stock vest in March 2018 as scheduled? If yes, please state the date on which the vestment occurred.

Portions of my unvested restricted stock units vested on March 2nd, 3rd, and 4th as scheduled.

5. Do you intend to seek a waiver to participate in non-public meetings with your former employer if you are confirmed? If yes, please explain why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

If confirmed, I will rely on the guidance from EPA's career ethics officials to determine any issues for which I may be recused and do not intend to seek a waiver.

6. Last year, my staff was informed that EPA political staff verbally directed career staff to simply delete the majority of the benefits of the Clean Water Rule before submitting a revised document to OMB about the rule. If you are confirmed, do you commit to ensure that career staff at OITA will receive appropriately documented, rather than verbal, direction from political officials, including yourself, before they take action? If not, why not?

I am not aware of the situation which you are referencing, but I will always commit to following all federal records management laws.

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Yes, if confirmed.

8. Last year, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March 2017 request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily.¹ If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

If confirmed, I will commit to providing my calendar in a timely manner.

¹ <https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView>

9. Scott Pruitt previously served as Chairman of The Rule of Law Defense Fund, which is an affiliate of the Republican Attorneys General Association. Further, Liberty 2.0 Super PAC and Oklahoma Strong Leadership PAC are both political actions committees used by Scott Pruitt to fundraise for his prior political campaigns.² In addition, Mr. Pruitt has confirmed that he has established a personal legal defense fund. Have you ever contributed any money or time to the Fund, the PACs, or the legal defense fund, or to an entity that has in turn contributed to any of these entities? If so, please provide details.

No.

10. As you know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

I believe cooperation and consultation with Indian Tribes and Alaska Native villages is in the best interest of the EPA and our tribal and native partners and commit to working with the relevant stakeholders.

11. Do you agree with the President's decision in 2017 to withdraw from the Paris Climate Accord? Please explain why or why not.

I do. I believe it was within President Trump's authority to withdraw. I respect his decision.

12. The office to which you have been nominated works to support international partnerships to address climate change by facilitating sharing of environmental information and regulatory experiences, and by helping other countries adapt and build resilience to respond to anticipated climate change. If confirmed, do you commit to continue to provide such information and assistance when requested?

If confirmed, I commit to engaging with our international partners in promoting our expertise and learning about and sharing successes and best practices in these matters to promote the protection of human health and the environment.

² https://www.washingtonpost.com/news/energy-environment/wp/2018/04/03/epas-pruitt-gave-big-raises-to-two-close-aides-after-being-rebuffed-by-the-white-house/?utm_term=.52213dae70d7

13. The EPA's "Policy for the Administration of Environmental Programs on Indian Reservations," is to "endeavor to protect the environmental interests of Indian Tribes when carrying out its responsibilities that may affect the reservations." How do you plan to adhere to EPA's own policy in regards to tribal consultation?

If confirmed, I look forward to receiving detailed briefings about ongoing practices regarding tribal consultations and cooperation and look forward to engaging on our shared mission to promote the protection of human health and the environment.

14. In your testimony before the Committee, I inquired about your work with tribal communities. In your response you indicated that you had not directly worked on any specific issue while at the Michigan Department of Environmental Quality. The office for which you've been nominated is critical to interactions with Indian tribes and tribal communities. Can you share details about your direct work with Indian tribes or tribal communities?

As Deputy Director of the Michigan State DEQ, I helped our team work with the state's 12 Federally Recognized Tribes. I look forward to working with all federally recognized tribes and international partners, if confirmed.

15. On October 11, 2017, EPA Administrator Pruitt reaffirmed the EPA's "Indian Policy"³ the agency's cornerstone policy that recognizes Indian Tribes as sovereign governments, acknowledges the Federal Government's trust responsibility to Indian Tribes, and commits the EPA to policy and programming that fulfills this unique trust responsibility. Do you affirm the EPA's Indian Policy? Please provide a 'Yes' or 'No' response and explain.

Yes. The United States has a unique and longstanding legal and political relationship with Indian tribes as provided by the Constitution, treaties and statutes.

³U.S. ENVTL. PROT. AGENCY, EPA POLICY FOR THE ADMINISTRATION OF ENVIRONMENTAL PROGRAMS ON INDIAN RESERVATIONS (1984); *see also* E. SCOTT PRUITT, U.S. ENVTL. PROT. AGENCY, REAFFIRMATION OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S INDIAN POLICY MEMORANDUM (2017) (reaffirming the EPA's 1984 Indian Policy).

16. Even though Administrator Pruitt reaffirmed the EPA's Indian Policy, the Agency has not taken a position on the EPA's Policy on Consultation and Coordination with Indian Tribes ("Consultation Policy")⁴. The EPA intended the Consultation Policy to fully implement Executive Order 13175, which provides that each agency must have "an accountable process to ensure meaningful and timely input" by tribal officials.⁵ The Consultation Policy sets forth four "phases" of consultation: identifying of issues and potentially affected Tribes; notifying Tribes of activities; receiving input from Tribes; and providing Agency feedback.
- As the EPA-designated Consultation Official under Executive Order 13175, what is your position on the EPA's Consultation Policy?
 - What is your understanding of a process that constitutes meaningful consultation (the key word being "meaningful")?
 - What role should tribal consultation play when the United States negotiates a consent decree that implicates tribal interests?

If confirmed, I look forward to receiving detailed briefings about ongoing practices regarding tribal consultations and cooperation and look forward to engaging on our shared mission to promote the protection of human health and the environment.

17. This Administration is intent on reorganizing the federal government, gutting many of the agencies and bureaus responsible for consulting with Indian Tribes. The EPA's FY19 budget proposal for the Office you may oversee is no different, with a proposed reduction in staff of almost 25%. What role should tribal consultation should play when relocating or cutting the staff responsible for maintaining the EPA's government-to-government relationship with Indian Tribes?

If confirmed, I look forward to receiving detailed briefings about ongoing practices of the office and will manage EPA's Office of International & Tribal Affairs programs within the authorities and resources provided by Congress.

18. Because of a fixed land base, among other factors, Indian Tribes are among the most vulnerable population when it comes to climate change's impacts. They are also the most likely to suffer disproportionate impacts, according to the National Climate Assessment. Do you believe that the federal government's trust responsibility includes providing Indian Tribes with the requisite financial and technical resources to address the impacts of climate change?

4. U.S. ENVTL. PROT. AGENCY, EPA POLICY ON CONSULTATION AND COORDINATION WITH INDIAN TRIBES (2011).

⁵ *Id.* at 2

I am not familiar with the specifics about ongoing practices regarding this policy; however, if confirmed, I look forward to being briefed on this issue.

19. In 1992, Congress passed the Indian Environmental General Assistance Program Act, authorizing EPA to provide General Assistance Program (GAP) grants to Indian Tribes and Tribal Consortia for planning, developing, and establishing environmental protection programs in Indian Country. These funds allow Indian Tribes to develop the capacity to administer regulatory programs that EPA may delegate. As the Administration's FY19 budget proposal observed, GAP funds have assisted Indian Tribes in receiving 110 program delegations under a variety of statutes within the EPA's purview. Yet the Administration has consistently proposed dramatic cuts to this program, this year totaling almost one-third of the entire allocation.

If confirmed, I look forward to receiving detailed briefings about ongoing practices of the office and will manage EPA's Office of International & Tribal Affairs programs within the authorities and resources provided by Congress.

20. You noted during your confirmation hearing that your experience will allow you to help "ensure that [Indian Tribes] have adequate resources" If confirmed, what actions will you take to ensure the Administration funds GAP at a level that reflects Indian Country's capacity to assume responsibilities and operate programs under those statutes that allow for EPA's delegation of authority to Indian Tribes, similar to provisions for states to obtain such authority?

If confirmed, I look forward to receiving detailed briefings about ongoing practices of the office and will manage EPA's Office of International & Tribal Affairs programs within the authorities and resources provided by Congress.

21. The Government Accountability Office ("GAO") Drinking Water and Wastewater Infrastructure Report, GAO-18-309, documented an estimated \$3.2 billion need for water infrastructure projects to address current sanitation deficiencies in American Indian and Alaska Native homes, and an additional \$2.4 billion need for future tribal drinking water infrastructure over the next 20 years.
 - a. If confirmed, what steps will you take to address the GAO's recommendations, specifically the necessity of improved collaboration with other federal agencies at the national level?

If confirmed, I look forward to receiving detailed briefings about ongoing practices of the office and will manage EPA's Office of International & Tribal Affairs programs within the authorities and resources provided by Congress.

- b. The report also noted that the Indian Health Service's process for selecting sanitation projects can discourage funding for other projects that could address the most severe sanitation deficiencies, especially those with a relatively high cost per home. As a result, some projects that would serve homes without water infrastructure can remain unfunded for many years. Given the EPA's reliance on the IHS's Sanitation Deficiency System to score projects for the Clean Water Act and Safe Drinking Water Act tribal set-asides, how will you work with the IHS and Indian Tribes to reassess project scoring factors?

If confirmed, I look forward to receiving detailed briefings about ongoing practices of the office and will manage EPA's Office of International & Tribal Affairs programs within the authorities and resources provided by Congress.

Senator Merkley:

- 22. If confirmed as EPA Assistant Administrator for the Office of International and Tribal Affairs, you would be responsible for ensuring that the EPA protects human health and the environment in Indian country in the United States according to principles established through federal Indian law. Please explain relevant background and experience that you may have that would qualify you for this position.

As Deputy Director of the Michigan State DEQ, I helped our team work with the state's 12 Federally Recognized Tribes. I look forward to working with all federally recognized tribes and international partners, if confirmed.

- 23. Climate change will increase the potency as well as the frequency of extreme weather events, which have outsized effects on tribal communities in the U.S. Therefore, your understanding of the most basic science of climate change science will be essential to your role in the regulation of greenhouse gases. Please take some time to read through the first volume of Fourth National Climate Assessment (found here: <https://science2017.globalchange.gov/downloads/>), authored by 13 federal agencies, including the EPA. The report states, "Global annually averaged surface air temperature has increased by about 1.8°F (1.0°C) over the last 115 years (1901–2016). This period is now the warmest in the history of modern civilization. The last few years have also seen record-breaking, climate-related weather extremes, and the last three years have been the warmest years on record for the globe. These trends are expected to continue over climate timescales."

Do you agree with this finding? If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

I believe that climate change is real and that humans have an impact on the climate.

24. Climate change will affect the quantity, quality, and the timing of water resources available to Tribes. Many Tribes have small drinking water systems that are understaffed and not equipped to handle extreme climate events now or in the future. There is also a lack of drinking water infrastructure in some Tribal communities or people rely on their own resources to obtain water as they have done for generations. Research into making small drinking water systems more climate resilient, given typically low staff numbers, could be helpful. For example, algal toxins are an emerging area of concern and small drinking water systems (as well as individuals who provide their own water) are not typically equipped to deal with such toxins. If confirmed, what plans do you have to monitor these water systems and ensure that they are resilient to adverse effects of climate change while addressing the understaffing problem?

If confirmed, I look forward to receiving detailed briefings about ongoing practices of the office and will manage EPA's Office of International & Tribal Affairs programs within the authorities and resources provided by Congress.

25. While climate change will affect the health of all Americans, Native Americans, who already typically have higher rates of diabetes, asthma, and in some cases cancer, may be particularly vulnerable. Those with diabetes may be particularly susceptible to heat stress. Increasing wildfires continue to worsen air quality. Additionally, climate change is already disrupting culture and traditional lifeways, increasing stress and exacting severe mental health consequences for Tribal peoples. Tribes are desperately in need of resources to address these consequences of climate change. Do you pledge to work with me to fight for funding for these important initiatives?

If confirmed, I commit to working with you to promote equal application of the law for all people, regardless of race or income. Further, I look forward to receiving detailed briefings about ongoing practices of the office and will manage EPA's Office of International & Tribal Affairs programs within the authorities and resources provided by Congress.

26. Administrator Scott Pruitt told his staff to find him excuses to travel to a dozen countries. He traveled to Morocco and Italy, costing taxpayers more than \$220,000, even though the trips had little connection to the EPA's traditional mission or activities. Moreover, the trips were planned by lobbyists and political supporters rather than the EPA Office of International and Tribal Affairs. For example, a Comcast lobbyist organized and arranged the Morocco trip and became a registered foreign agent, earning

\$40,000 a month. Do you believe that it was appropriate for the Administrator to take these international trips?

I am not aware of the situation which you are referencing; however, should I be confirmed, I will rely on the guidance from EPA's career ethics officials to ensure compliance with relevant rules and regulations regarding official travel.

27. Do you pledge to notify the Committee as well the EPA Inspector General if you learn of Administrator Pruitt's actions that you believe are unethical?

Yes.

Senator Sullivan:

28. There is an ongoing issue in the transboundary waters area in Southeast Alaska that is of particular concern to me and my constituents. Upstream of the Southeast Alaska watersheds, the British Columbia (B.C.) government has for years authorized large-scale, hard rock mining developments, including at least ten open-pit and underground metal mines in various stages of development. Some of these legacy mines have contributed to releases of hazardous material that could have impacts on the downstream ecosystem in Southeast Alaska. These developments pose real concerns to communities downstream even as B.C. works through options to clean up legacy sites while also permitting new developments. EPA, through the Office of International and Tribal Affairs, has been coordinating with the State Department to engage with Canada and the B.C. to share data, analyze potential regulatory improvements, and address concerns for the continuing water quality and remediation of these mine sites.

- a. How do you view the role of EPA's Office of International and Tribal Affairs in protecting Americans from potential cross boundary pollution, and transboundary water quality monitoring?

I am not familiar with the specifics about ongoing practices regarding this policy; however, if confirmed, I look forward to being briefed on this issue.

- b. Would you commit to continuing to work with the State Department and stakeholders to engage with Canada and the Province of British Columbia to address these issues?

If confirmed, I commit to working with you and all relevant stakeholders regarding this issue.

Senator Whitehouse:

29. Should you be confirmed to lead the Office of International and Tribal Affairs, how would you react if the Administrator came to you with a list of countries he wanted to visit and told you “find me something to do there?” In your opinion, is this the way an EPA Administrator’s international travel destinations should be decided?

I am not aware of the situation which you are referencing; however, should I be confirmed, I will rely on the guidance from EPA’s career ethics officials to ensure compliance with relevant rules and regulations regarding official travel.

30. How would you react if you learned that lobbyists, consultants, political donors, and special interest group leaders were integral in planning the Administrator’s international travels? Would you countenance their involvement in planning the Administrator’s international travel?

I am not aware of the situation which you are referencing; however, should I be confirmed, I will rely on the guidance from EPA’s career ethics officials to ensure compliance with relevant rules and regulations regarding official travel.

31. How would you react if you learned that on a planned trip to Israel, Administrator Pruitt planned an event with an Israeli water purification company that was recommended to him by Republican mega-donor Sheldon Adelson? Does this appear to be an appropriate use of government time and resources?

I am not aware of the situation which you are referencing; however, should I be confirmed, I will rely on the guidance from EPA’s career ethics officials to ensure compliance with relevant rules and regulations regarding official travel.

32. How would you react if you learned that on a trip to Italy, the Administrator dined with a cardinal who was under investigation for sexual abuse allegations and that mentions of this meeting were then removed from agency calendars? Is that appropriate? Does the fact that the cardinal in question is a climate denier justify ignoring the abuse allegations?

I am not aware of the situation which you are referencing; however, should I be confirmed, I will rely on the guidance from EPA’s career ethics officials to ensure compliance with relevant rules and regulations regarding official travel.

33. EPA's mission is to protect human health and the environment. Do you think it is appropriate for the Administrator to travel to Morocco to lobby for the U.S. liquefied natural gas industry?

I am not aware of the situation which you are referencing; however, should I be confirmed, I will rely on the guidance from EPA's career ethics officials to ensure compliance with relevant rules and regulations regarding official travel.

34. Do you believe that it is an appropriate use of taxpayer dollars for the Administrator and his security detail to fly first class?

I am not aware of the situation which you are referencing nor am I a security professional; however, should I be confirmed, I will rely on the guidance from EPA's career ethics and security officials to ensure compliance with relevant rules and regulations.

35. Do you believe that it is an appropriate use of taxpayer dollars for the Administrator to fly on a particular airline – even when that flight is more expensive other flights – in order to accumulate frequent flier miles on that airline? Do you pledge to always fly on the least expensive route as negotiated by the government when it accommodates your travel schedule?

I am not aware of the situation which you are referencing; however, should I be confirmed, I will rely on the guidance from EPA's career ethics officials to ensure compliance with relevant rules and regulations regarding official travel.

36. Do you believe that it is an appropriate use of taxpayer dollars for the Administrator to privilege staying in particular hotel chains – even when they are more expensive than hotels recommended by American embassies – in order to accumulate loyalty points? Do you pledge to always follow the hotel recommendations of the American embassy in country that you visit?

I am not aware of the situation which you are referencing; however, should I be confirmed, I will rely on the guidance from EPA's career ethics officials to ensure compliance with relevant rules and regulations regarding official travel.

37. With respect to marine debris, each year, around 8 million metric tons of plastic waste enters the oceans from land. A majority of this waste comes from just five rapidly developing economies in Asia: China, Indonesia, Philippines, Vietnam, and Sri Lanka. Deficiencies in upland waste management are the primary driver of this waste flow into the ocean.

- a. What opportunities do you envision for EPA to partner with these and other countries to share technical expertise, waste management strategies, and other information to improve waste management and reduce plastic inputs into the ocean?
- b. Will you partner with other existing EPA programs and experts, as well as other federal agencies, to compile and convey best practices to international partners?
- c. What additional authorities or programs could the EPA benefit from to help support marine debris prevention and cleanup initiatives in the United States and around the globe?

I am not familiar with the specifics about ongoing practices regarding this policy; however, if confirmed, I look forward to being briefed on this issue.

38. EPA is currently Vice Chair of the federal interagency Marine Debris Coordinating Committee. Given the international scope of the plastic pollution problem, if confirmed, do you plan to personally participate in the committee's work?

I am not familiar with the specifics about ongoing practices regarding this policy; however, if confirmed, I look forward to being briefed on this issue.

39. EPA's International Cooperation Office already undertakes collaborative work in a number of Asian countries, but seems to have limited connections with African nations. As the coastal countries in Africa build their economies, early assistance to ensure that adequate waste management systems are built simultaneously will be necessary. If confirmed, will you pursue additional investments and partnerships in African nations to improve waste management and prevent marine debris?

I am not familiar with the specifics about ongoing practices regarding this policy; however, if confirmed, I look forward to being briefed on this issue.

40. Every other nation on earth is currently engaged in implementing the Paris Agreement. In addition, your former employer, Ford, supports the Paris Agreement. Do you support President Trump's decision to withdraw from the Paris Agreement?

Yes.

41. If you do support the President's decision to withdraw from the Paris Agreement, please explain how it will not result in isolating America and reducing our international influence?

I believe it was within President Trump's authority to withdraw. I respect that decision.

42. If you do not support the President's decision to withdraw from the Paris Agreement, please explain what you plan on doing to help reengage EPA on international climate action efforts.

I support President Trump's action withdrawing the United States of America from the Accord, which does not preclude our government from continuing to provide technical expertise or engage with international partners to promote human health and the environment.

Senator INHOFE [presiding]. Thank you very much, Mr. McIntosh.

We are going to change the arrangement, if it is all right with you, Mr. Wright. What I am going to do is recognize myself as the Acting Chairman right now, to ask some questions, make some comments, and then I will miss the vote, but we will keep on.

I understand the two of you have already voted, is that correct?

All right, so that is what we will do.

If you don't mind waiting, then we will recognize you when I conclude my remarks. Thank you very much.

It is a very awkward situation for me because I have one issue. I had to get to the two of you to get a clear understanding, and it is one I don't have any concern as to where you are going to be, and that is, if we start with you, Mr. McIntosh.

In northeastern Oklahoma we have a thing called Tar Creek. I think you are familiar with that. It could be characterized as the most devastating Superfund site of any time. It has 50 million tons of mine waste and miles of underground mines. It is something we have been working on, working with, and working in cooperation with the EPA; and primarily it is the Quapaw Tribe. We have a number of Native American Tribes in Oklahoma. The Quapaws own the land where this Superfund site was, so they have taken it over. They are working it well, working with the EPA.

One of the problems we are having, though, is that the Quapaw Tribe has run into a barrier called the Bureau of Indian Affairs that has made it very difficult for the Tribe to sell the chat on their lands, while other landowners can.

This just takes a yes or no answer on this. So, if confirmed as Assistant Administrator, will you work with the Tribe and the BIA to explore ways to simplify the process for chat sales so that the Tribe can reenter the market and sell their chat, as others are doing?

Mr. MCINTOSH. Yes.

Senator INHOFE. Thank you very much.

I would ask also that Oklahoma enter into their own agreement to clean up the non-tribal land, but they find that the EPA can be a little inflexible when it comes to the remediation that is being handled. For example, the EPA will not allow the topsoil to be replaced once contaminated soil is removed. This severely limits their opportunities.

Can I get your commitment to ensure the Tribe's wishes for how their land is remediated is given the proper weight and consideration?

Mr. MCINTOSH. Yes.

Senator INHOFE. I appreciate that very much.

Mr. Wright, you have heard this. Can I get your commitment, too, that the Tribe's considerations for the condition that they want their land to be given weight that it deserves?

Mr. WRIGHT. Absolutely.

Senator INHOFE. I appreciate that very much.

I believe that would pretty much handle that.

I do want to respond. I think it is very inappropriate. It happens that the Ranking Member, Senator Carper, is a friend of mine. But when you folks are coming up, you have been recommended by

Scott Pruitt, the Administrator of the EPA, who went through hours and hours of antagonizing questions. Normally you get questions for the record averaging about 25 with each nominee going through a confirmation process. He had 1,600 that he had to answer.

I have to say this. I am going to take the statement that was made by Senator Carper. Excuse my voice this morning First of all, he was talking about the New York Times story. That was the very first thing that I heard, the accusation against Scott Pruitt. New York Times has never been a conservative publication, we all know that, and some of the things that they said were actually wrong. We have documented that they were wrong. Individuals that were mentioned in that story were individuals who have been unblemished, never had anything negative said about them. One is Bob Funk, a very wealthy individual who is a real free enterpriser.

The costly trips overseas at taxpayers' expense, it is a lie, just an outrageous lie. They talk about Morocco and Italy. Scott Pruitt had to go to Morocco because that was his job. He had to represent, along with his counterparts from seven other countries, to be there because they were dealing with chapters of the free trade agreement that have to do with the environment. That was their job. He had to be there. He was there at Government expense, the same as his predecessor had been to these same meetings.

The G7 meeting in Italy, the same thing. He had to be there because all seven of his counterparts had to be at this meeting. If he had not been there, he would have been guilty of derelict of his own duty.

Tickets on sporting events. This is so outrageous. They talk about the University of Kentucky basketball game where he went with his son and about the Rose Bowl. Well, he actually went through the process of going to Ethics and saying I want to do this, I want to pay for my own tickets; will you tell me what to do so I am not violating anything. In both cases they said you just have to pay for your own tickets and disclose that you are there. He did that, paid for his own tickets to the Rose Bowl, paid for his ticket and his son's ticket to the Kentucky basketball game.

You know, only in Washington can you get by with allegations against somebody and not giving them a chance to respond. This is the first response you have probably ever heard of this. It has been all over the papers now for a year.

The secure phone booth. One of the first calls he got when he took office was from the President of the United States. The first question they asked, is this a secure phone. Well, obviously it wasn't a secure phone, so he went and asked them whatever was necessary to come up with a secure phone, and they would do it.

The fifth thing I want to mention, while missing the vote, is the security costs, the fact that his security has been around \$3 million in the first year. Now, the reason is that Administrator Pruitt is the first one in my memory—and I have been around here for 32 years—the first one who has ever had any type of threat on his or her life of all the Administrators that we have had, and he has been threatened over and over again. Just earlier this month, Occupy Wall Street, a liberal group that doesn't like him, probably funded, I would say, by Tom Steyer, posted his home address in

Tulsa and encouraged their followers to take a pitchfork at him. In other words, gave his home address and told them to go molest his family. Can you believe that is happening? Have you heard it before? No, you haven't.

They brought his daughter in. Somehow the accusation was that she only got into UVA because of Pruitt asked an old friend from his VA House of Delegates to write a letter of recommendation. That is outrageous. I know this little girl; she was an intern for me. She is brilliant. She is an honor student. Law schools were trying to recruit her to come in, and she actually was invited to come into law school at UVA before he was even in office.

So, this is the type of outrageous lies that you hear in Washington, and people don't have a chance to respond to them.

With that, Senator Rounds is presiding.

Senator ROUNDS [presiding]. Thank you, Senator.

Mr. Wright, would you like to proceed with your opening statement?

STATEMENT OF PETER C. WRIGHT, NOMINEE TO BE ASSISTANT ADMINISTRATOR FOR THE OFFICE OF LAND AND EMERGENCY MANAGEMENT

Mr. WRIGHT. Yes. Chairman Barrasso, Ranking Senator Carper, distinguished members of the Committee, thank you for the privilege of coming before you today as the nominee for the position of Assistant Administrator for the Office of Land and Emergency Management. I am honored that President Trump, Administrator Pruitt, and the Committee are considering me for this position.

I would like to thank my wife, Nicky, who is here today; my daughter, Audrey, who is watching today, for their unwavering support of my career over many years. I would also like to thank my many current and former colleagues from industry, law firms, and the ABA Section of Environment, Energy, and Resources for their support and friendship.

I am proud and grateful to have been an environmental lawyer during my 32 year career. For much of my career I have worked in the manufacturing sector in support of the hard work of millions of Americans committed to making products you use every day. I have worked to support manufacturers and other clients addressing and responsibly resolving the legacy of historic waste management practices and operations. They have relied on me to provide guidance on compliance with a broad array of regulations.

I have also had the opportunity to work for two law firms and to serve a diverse set of clients.

While I have spent my entire legal career practicing in Indiana, Missouri, and Michigan, I have had the opportunity to work on remediation, regulatory, and transactional matters in almost every State and in many countries around the world. I appreciate firsthand the importance of and the need for cooperative federalism between EPA regions and the State environmental agencies.

I look forward to the opportunity to serve our country as the Assistant Administrator for the Office of Land and Emergency Management, to bring to bear my experience to help implement the recommendations of the Superfund Task Force to achieve the overall goal of better, faster cleanups. Not a day goes by when I work on

Superfund and remediation matters when I do not think about things that could be changed and improved.

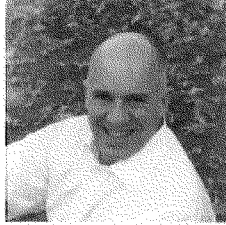
The time and cost expended on matters ancillary to actual clean-up work, that provide no environmental benefit, are staggering. Communities and Congress have understandably been very frustrated and despairing that some cleanups will ever be completed. I look forward to applying my transactional background to the benefits of the Superfund reform plan that seek to revitalize sites whenever possible. Communities have rightly been disappointed when the end of a cleanup is a forever fenced off industrial facility that serves no economic purpose to the surrounding community; it is fixed, but useless.

I look forward to working with the dedicated personnel at EPA, many of whom I have worked with over the course of my career. I have listened carefully to the headquarters and regional EPA personnel, as well as my own clients, to find pragmatic and productive solutions and advance protection of the environment and public health.

I have volunteered my time, alongside many from EPA, to work on the RCRA corrective action project and the ABA's Environmental Energy and Resource Section, focused on improving the practice and performance of Superfund and RCRA through conferences, publications, and ongoing dialogue. That collaborative work must continue.

In closing, Mr. Chairman, I would again like to thank the President, the Administrator, and this Committee for the opportunity to be here today. I would be humbled to join Administrator Pruitt and the OLEM staff in carrying out EPA's important mission. I respectfully request support and look forward to any questions that you or your colleagues may have for me.

[The prepared statement of Mr. Wright follows:]



Peter C. Wright
Nominee to be Assistant Administrator
Office of Land and Emergency Management (OLEM)
U.S. EPA

President Trump nominated Peter C. Wright to serve as Assistant Administrator for the Office of Land and Emergency Management on March 6, 2018. Mr. Wright currently serves as Managing Counsel at The Dow Company for environmental health and safety and principal counsel for all significant mergers and acquisitions. Previously, he served as General Counsel at Bryan Cave, LLC from March 1996 to January 1999. He also served as an Environmental Lawyer for the Monsanto Company from May 1989 to March 1996. Mr. Wright received a Bachelor of Arts degree in Religion from Wabash College and graduated Summa Cum Laude. He received a Juris Doctorate from Indiana University Robert H. McKinney School of Law and was awarded the Faculty Prize.

**Statement of Peter C. Wright
Nominated to be Assistant Administrator,
Office of Land and Emergency Management
U.S. Environmental Protection Agency**

Chairman Barrasso, Senator Carper and distinguished members of the Committee, thank you for the privilege of coming before you today as the nominee for the position of Assistant Administrator for the Office of Land and Emergency Management. I am honored that President Trump, Administrator Pruitt and this Committee are considering me for this position.

I would like to thank my wife Nicki, who is here today, and my daughter Audrey, who is watching, for their unwavering support of my career over many years. I would also like to thank my many current and former colleagues from industry, law firms and the ABA's Section of Environment, Energy and Resources for their support and friendship.

I am proud and grateful to have been an environmental lawyer during my 32-year legal career. For much of my career, I have worked in manufacturing sector to support the hard work of millions of Americans committed to making products you use every day. I have worked to support manufacturers and other clients addressing and responsibly resolving the legacy of historic waste management practices and operations. They have relied on me to provide guidance on compliance with a broad array of regulations. I have also had the opportunity to work for two law firms and serve a diverse set of clients.

While I have spent my entire legal career practicing in Indiana, Missouri and Michigan, I have worked on remediation, regulatory and transactional matters in almost every state and in many countries around the world. I appreciate first-hand the importance of and need for cooperative federalism between the EPA Regions and state environmental agencies.

I look forward to the opportunity to serve our country as the Assistant Administrator for the Office of Land and Emergency Management to bring to bear my experience to help implement the recommendations of the Superfund Task Force to achieve the overall goal of better, faster cleanups. Not a day goes by when as I work on Superfund and remediation matters when I do not think about things that could be changed and improved. The time and costs expended on matters ancillary to actual cleanup work -- that provide no environmental benefit -- are staggering. Communities and Congress have understandably been very frustrated, despairing that some cleanups may never be completed.

I also look forward to applying my transactional background to aspects of the Superfund Reform plan that seek to revitalize sites, whenever possible. Communities have been rightly disappointed when the end of a cleanup is a forever fenced off former industrial facility that serves no economic purpose to the community surrounding the site. Fixed, but useless.

I look forward to working with the dedicated personnel at EPA, many of whom I have worked with over the course of my career. I have listened carefully to Headquarters and Regional EPA personnel, as well as my clients, to find pragmatic and productive solutions that advance protection of the environment and public health. I have volunteered my time, alongside many from EPA, to work on the RCRA Corrective Action Project and the ABA's Environmental, Energy and Resource Section focused on improving the practice and performance of Superfund and RCRA through conferences, publications and ongoing dialogue. That collaborative work must continue.

In closing, Mr. Chairman, I would again like to thank the President, the Administrator and this Committee for the opportunity to be here today. I would be humbled to join Administrator Pruitt and the OLEM staff in carrying out EPA's important mission. I respectfully request your support, and I look forward to any questions that you or your colleagues may have for me.

Senate Committee on Environment and Public Works
Hearing entitled, *"Hearing on the Nominations of Chad McIntosh and Peter Wright to be
Assistant Administrators of the Environmental Protection Agency."*
June 20, 2018
Questions for the Record for Peter Wright

Chairman Barrasso:

1. Mr. Wright, I strongly support the Trump administration's commitment to work with – not against – states to address environmental challenges. If confirmed, you will be responsible for addressing the cleanup of contaminated sites within the Superfund and Brownfields programs. In my experience, states are generally best positioned to understand the realities of environmental challenges within their borders. How can the federal government best use state expertise when cleaning up contaminated sites?

It is critical that federal, state and local resources are leveraged and coordinated effectively and efficiently in addressing the cleanup of contaminate sites. In many cases, the most complicated sites are those which benefit from EPA's technical expertise and oversight. But as I noted during the hearing, it is often states who are closest to the particular community and the economic needs of the state. EPA is best served by ensuring that all levels of government are engaged when addressing cleanups.

2. Mr. Wright, the Trump administration has elevated the importance of cleaning up hazardous waste sites across the country. If confirmed, what would be your key priorities as the leader of EPA's Superfund program?

The Superfund Task Force lays out an ambitious set of recommendations to accelerate cleanup and where possible revitalization of Superfund sites. My key priorities will be implementation of the 5 main goals of the Superfund Task Force report.

3. Mr. Wright, EPA's Brownfields program is a proven success. EPA collaborates with states to spur the cleanup of contaminated and underutilized sites across the country. For instance, the Children's Museum of Cheyenne, Wyoming will be built on a brownfield property that was assessed and will be remedied due to the efforts of EPA and the State of Wyoming under the Brownfields program. With this said, there are still approximately 450,000 brownfield sites across the country. What efforts can EPA make to expedite the cleanup of these sites and ensure more success stories like the cleanup in Cheyenne?

I believe that by working with closing with the States and local communities, EPA can help transform these sites and revitalize communities.

Ranking Member Carper:

4. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law.
 - a. Do you agree that it is essential that in making decisions, the Office of Land and Emergency Management (OLEM) must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

I agree it is important for the EPA, including the Office of Land and Emergency Management, to be shielded from political influence.

- b. Will you commit to notifying this Committee within one week if any inappropriate communications from White House staff to OLEM staff, including you, occur?

I commit to restricting any inappropriate communications, including from political influence.

5. Whistleblower laws protect the right of federal employees to make lawful disclosures to agency management officials, the Inspector General, and the Office of Special Counsel. They also have the right to make disclosures to Congress.

Specifically, 5 U.S.C. § 7211 states that the "right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied." Further, 5 U.S.C. § 2302(b)(8), makes it a violation of federal law to retaliate against whistleblower because of "(A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation..." In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry.

- a. If you are confirmed, will you commit to protect the rights of all OLEM career employees to make lawful disclosures, including their right to speak with Congress?

Yes, if I am confirmed.

- b. Will you commit to communicate employees' whistleblower rights via email to all OLEM employees within a week of being sworn in?

If confirmed, I will ensure that the EPA employee's whistleblower rights are communicated to them in a timely fashion.

6. Last year, my staff was informed that EPA political staff verbally directed career staff to simply delete the majority of the benefits of the Clean Water Rule before submitting a revised document to OMB about the rule. If you are confirmed, do you commit to ensure that career staff at OLEM will receive appropriately documented, rather than verbal, direction from political officials, including yourself, before they take action? If not, why not?

I am not aware of the situation which you are referencing, but I will always seek to provide my directions clearly in writing.

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Yes, if confirmed.

8. Last year, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March 2017 request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily.¹ If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

I will commit to providing my calendar in a timely manner.

¹ <https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView>

9. Scott Pruitt previously served as Chairman of The Rule of Law Defense Fund (Fund), which is an affiliate of the Republican Attorneys General Association. Further, Liberty 2.0 Super PAC and Oklahoma Strong Leadership PAC are both political actions committees used by Scott Pruitt to fundraise for his prior political campaigns. In addition, Mr. Pruitt has confirmed that he has established a personal legal defense fund. Have you ever contributed any money or time to the Fund, the PACs referenced above, or the legal defense fund, or to an entity that has in turn contributed to any of these entities? If so, please provide details.

No.

10. In September 2017, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the Inspector General in this regard?

I am not familiar with the specifics about ongoing practices regarding this policy; however, if confirmed, I look forward to being briefed on this issue.

11. The president's budget requests for Fiscal Years 2018 and 2019 both proposed cutting the number of staff working on Superfund cleanups. Given the conclusions of the Inspector General in the report "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload," would you expect that reducing the number of EPA personnel working on Superfund cleanups would lead to an increase or a decrease of the pace of cleanups?

If confirmed, I look forward to receiving detailed briefings about ongoing practices of the office and will manage EPA's Office of Land and Emergency Management programs within the authorities and resources provided by Congress.

12. The list of publications you provided to the Committee does not appear to be comprehensive. For example, your list does not include an ABA publication titled "To Disclose or Not to Disclose — That is Not the Question for In-House Environmental Counsel" (ABA 2003). Please provide a comprehensive list of all publications, with copies of each published piece.

I have provided the Committee with a list of publications that I recall having had published during the course of my 32-year career and a copy of any publications that I have retained a copy of in either an electronic or hard copy. I will have to contact the ABA's Section of Environment, Energy and Resources to see if they have a copy of the referenced publication from 15 years ago.

13. One of the recommendations from the Superfund Task Force was the creation of a special "Administrator's Priority List" for Superfund sites that the Administrator would receive focused briefings on. This list has come under scrutiny after, according to news reports, a high profile supporter of Mr. Pruitt was able to have a client's project included on the Administrator's List. According to EPA's website, being placed on the list is not accompanied by additional money or personnel resources, so it's unclear what value there is in actually being placed on the Administrator's list. For purposes of this question, assume that being placed on the list does in fact carry some additional value. As Assistant Administrator, what criteria would you use to recommend a site be added on to the Administrator's Priority List?

If confirmed, I will work with the Superfund Task Force and consult with agency staff to identify sites that can benefit from the Administrator's direct engagement and have identifiable actions to protect human health and the environment.

14. For any site that you recommend be placed on the Administrator's Priority List, what purpose(s) might you hope to achieve by placing the site on the list?

If confirmed, I will work with the Superfund Task Force and consult with agency staff to identify sites that can benefit from the Administrator's direct engagement and have identifiable actions to protect human health and the environment.

15. Will you commit to making public the criteria used to recommend a site for inclusion on the Administrator's Priority List? Will you commit to making public the intended goal you are seeking to achieve by placing a site on the Administrator's Priority List?

If confirmed, I will work with the Superfund Task Force and consult with agency staff to identify sites that can benefit from the Administrator's direct engagement and have identifiable actions to protect human health and the environment.

16. Will you commit to making public a list of any sites that are placed on the Administrator's Priority List that you did not recommend?

If confirmed, I will work with the Superfund Task Force and consult with agency staff to identify sites that can benefit from the Administrator's direct engagement and have identifiable actions to protect human health and the environment.

17. The February 1, 2018 Ninth Circuit in the *Hawaii Wildlife Fund* case and the April 12, 2018 Fourth Circuit in the *Kinder Morgan* case relate to the hydrological connection between polluting point sources and affected surface waters requiring pollutants transported through groundwater to be regulated under the Clean Water Act. Some have suggested that such pollution should be regulated under RCRA or CERCLA, and though the EPA is taking public comment on the matter, the statutory and regulatory regime for pollutants transported via hydrologically connected groundwater to federally-jurisdictional waters remains unchanged. Do you commit, if confirmed, to abide by current law and precedent regarding the regulation of these pollutants?

If confirmed, I will respect the public comment process and abide by current law and precedent regarding the regulation of pollutants.

18. Coal ash disposal sites are disproportionately located in low-income communities and communities of color. A 2016 report by the U.S. Commission on Civil Rights entitled "Environmental Justice: Examining the Environmental Protection Agency's Compliance and Enforcement of Title IV and Executive Order 12898" included numerous recommendations to EPA to reduce any potential disparate environmental impacts from these disposal facilities on surrounding communities. If confirmed, will you commit to reviewing the recommendations outlined in the report, and actively working with the Office of Environmental Justice within EPA, local communities with disposal sites, as well as any other interested stakeholders to reduce any actual or potential disparate impacts from coal ash disposal sites on those communities?

I am not familiar with the specifics about ongoing practices regarding this policy; however, if confirmed, I look forward to being briefed on this issue.

19. If an owner or operator of coal ash disposal site is found to be responsible for contaminating either community or private drinking water wells, who do you believe should be responsible financially to ensure that impacted consumers receive safe drinking water?

I am not familiar with the specifics about ongoing practices regarding this policy; however, if confirmed, I look forward to being briefed on this issue.

Senator Booker:

20. At your confirmation hearing, I asked you a series of questions about the 2017 Clean Air Act's Risk Management Program (RMP) amendments that the EPA is currently proposing to replace with a new update. You indicated to me that you were not familiar with this rule and so were not able to provide substantive answers to these questions. As promised, I am resubmitting the questions (a-e) for consideration here.

- a. Do you support Administrator Pruitt's proposal to weaken chemical safety standards?
- b. Do you believe facilities should be required to assess whether or not they can move towards using safer technologies to limit their potential for catastrophic chemical incidents?
- c. Should facilities that have a chemical disaster or a "near miss" be required to investigate what went wrong so that they can avoid similar impacts in the future?
- d. EPA's proposal explicitly states that the changes would disproportionately impact low-income communities and communities of color. The agency is moving forward with the rule anyway because it will save an estimated \$88 million per year in an industry whose overall annual revenue is estimated at nearly \$800 billion. Do you agree with this logic? Do you believe that it is acceptable for EPA to ignore these low-income communities and communities of color, who already disproportionately suffer harm from pollution?
- e. If EPA refuses to adequately protect these vulnerable communities from negative environmental impacts, do you agree with me that these communities should have the right to bring a private cause of action to protect themselves from this type of disproportionate harm?

I am a strong believer in chemical safety and I believe that the agency should enforce existing laws; however, I am not familiar with the specifics about ongoing practices regarding this policy. If confirmed, I look forward to being briefed on this issue.

21. Will your final recusal agreement include recusal from decisions affecting DowDupont RMP facilities, even if you were not personally or substantially involved in working with those facilities in your previous role at Dow?

I will follow the guidance of EPA's career ethics officials with respect to recusals.

22. Like RMP facilities, many Superfund sites are located in low-income communities and communities of color. How will you incorporate the concerns of these vulnerable populations when you lead Superfund cleanups?

All children, regardless of race or income deserve clean air and safe water. We must make sure all communities are treated the same.

23. Are Superfund sites at an increased risk due to more intense hurricanes? What is your plan to mitigate these risks?

Each site has unique risks, all of which must be analyzed and accounted for when developing remediation strategies.

24. One of the largest Superfund cleanups in EPA history is in my home city of Newark, New Jersey. The Diamond Alkali site on the Passaic River in Newark contaminated approximately 17 miles of the river with the deadly chemical dioxin. The river has been contaminated for decades, and the Record of Decision for the Lower 8 miles of the Passaic River was finally announced in March of 2016. This site is on Administrator Pruitt's list of priority cleanups, and he has represented to me that EPA will be working as quickly as possible to implement the Record of Decision for the Lower 8 miles. Will you also commit to making the comprehensive cleanup of the Passaic River a priority for your office, and will you be sure to keep me and my staff updated on the progress being made?

Consistent with the memorandum submitted to the Committee, I will be recused from working on this site.

25. In DowDupont's Form 10-K, the company specifically notes that the Ventron/Velsicol Superfund site in New Jersey is one of their sites with the largest potential environmental liability. EPA is currently working on the Record of Decision for the Ventron/Velsicol Superfund site and if you are confirmed, you could play a role in selecting the cleanup and negotiating the amount of funding required to implement the cleanup. Will you agree to recuse yourself from involvement with the Ventron/Velsicol Superfund site?

Consistent with the memorandum submitted to the Committee, I will be recused from working on this site.

26. Are you aware that coal ash is one of the largest industrial waste streams in the nation?

I am not familiar with the specifics about this policy; however, if confirmed, I look forward to being briefed on this issue.

27. Are you aware that 70% of coal ash lagoons impact communities where low-income communities and communities of color are disproportionately represented?

I am not familiar with the specifics about this policy; however, if confirmed, I look forward to being briefed on this issue. Nevertheless, all children, regardless of race or income deserve clean air and safe water. We must ensure that all communities are treated the same.

28. Are you aware that in 2016, a U.S. Commission on Civil Rights (USCCR) [report](#) highlighted that EPA's failure to adequately regulate coal ash disproportionately affects America's most vulnerable populations?

I am not familiar with the specifics about this policy; however, if confirmed, I look forward to being briefed on this issue. Nevertheless, all children, regardless of race or income deserve clean air and safe water. We must ensure that all communities are treated the same.

29. Do you support Administrator Pruitt's efforts to weaken the minimum protections that the coal ash rule provides to communities that live near these toxic dumps?

I am not familiar with the specifics about this policy; however, if confirmed, I look forward to being briefed on this issue.

Senator Duckworth:

30. A critical statutory responsibility of the U.S. Environmental Protection Agency (EPA) is implementing the bipartisan Renewable Fuel Standard (RFS) program in accordance with the letter of the law and congressional intent. As EPA notes on its public website, "Congress created the renewable fuel standard (RFS) program to reduce greenhouse gas emissions and expand the nation's renewable fuels sector while reducing reliance on imported oil."

In 2010, EPA determined that biogas from landfills, sewage and waste treatment plants qualify as advanced biofuels and eligible to generate a renewable identification number (RIN). Illinois is home to a number of landfill gas-to-energy generating plants that produce high-quality renewable fuel, with the potential to host additional facilities. If Illinois'

potential were fully realized, Illinois' biogas industry could power more than 61,000 homes or 75,000 vehicles, create 732 long-term jobs and remove 19 trillion tons of carbon dioxide.

It is clear that protecting the RFS is vital to Illinois' economy, energy security and environment. If confirmed to lead the Office of Land and Emergency Management, you would be critical to implementing and approving future landfill gas-to-energy generating plants. Will you commit to providing technical assistance for States permitting solid waste landfills that incorporate gas-to-energy technologies, and will you support EPA's 2010 and 2014 determinations that biogas from landfills, sewage and waste treatment plants qualifies as an advanced biofuel under the RFS?

I am not familiar with the specifics about this policy; however, if confirmed, I look forward to being briefed on this issue. Furthermore, I commit to fully engaging with you and members of Congress when contacted about providing technical assistance.

31. The RFS's volume standard under the Energy Independence and Security Act of 2007 requires petroleum-based transportation fuel to be blended with 8.5 billion gallons of cellulosic biofuel. Cellulosic biofuel is classification for biogas collected from landfills to register for a RIN. However, in 2016, actual production of cellulosic biofuel only produced 4.5 percent of the statutory requirement.

If confirmed to lead the Office of Land and Emergency Management, will you support landfill gas-to-energy projects as a way to meet the statutory requirements for cellulosic biofuel production?

I am not familiar with the specifics about this policy; however, if confirmed, I look forward to being briefed on this issue.

32. The RE-Powering America's Land Initiative is an EPA program to encourage renewable energy development on contaminated land. 274 projects nationwide on 261 contaminated lands, landfills, and mine sites have generated returns to the environmental and economic benefits of 39 states. In my home State of Illinois, there are currently two wind and solar projects, and the initiative has determined that there are 387 contaminated sites with more renewable energy potential. In the United States, there are over 11,000 with the potential for energy development. These contaminated sites can lower development costs and timelines for renewable energy generation, which subsequently creates jobs and lowers electricity bills for consumers.

If confirmed to lead the Office of Land and Emergency Management, you would oversee the RE-Powering America's Land Initiative. In addition to identifying potential sites, they provide valuable resources for developers, local government and communities. Will you commit to supporting this successful program that allows communities across the Nation to reuse contaminated lands by producing clean, renewable energy?

I am not familiar with the specifics about this policy; however, if confirmed, I look forward to being briefed on this issue. Although, it should be noted that remediation of sites for reuse, particularly opportunities identified by state and local leaders, should serve as the benchmark.

33. Since fiscal year 2000, funding for the EPA Superfund program has steadily decreased in both nominal and constant dollars. Inadequate funding is responsible for delaying remedial actions for 14 of the past 17 years and the number of national priority list sites that have achieved construction complete status has dropped from 27 per year to only 12.

The Hazardous Substance Superfund account is critical to the programs successful and timely cleanup of many of these sites. If confirmed, will you commit to maintaining or increasing funding for the Hazardous Substance Superfund account, and in your view, which programs are most in need of increased resources?

If confirmed, I look forward to receiving detailed briefings about ongoing practices of the office and will manage EPA's Office of Land and Emergency Management programs within the authorities and resources provided by Congress.

34. I am pleased to see you permanently recused yourself from managing any superfund site you worked on while employed at DowDupont or its subsidiaries, and recused yourself for two years from all other DowDupont superfund sites. However, I remain concerned about the future of these hazardous waste sites and request clarity on your recusal agreement. DowDupont is linked to more than 200 active, proposed or partial national priority sites, with 12 of those sites located in Illinois. Mr. Wright, for each Illinois site, please share how you were involved with a given site; if the site is subject to your permanent recusal; and identify what individual or entity would have authority over any Illinois site that you are recused from overseeing.

I am not familiar with the specifics about every particular site in Illinois; however, if confirmed, I look forward to being briefed on sites for which I am not recused from working on and better understanding their unique circumstances and needs. If I am recused, other OLEM and Region 5 personnel will be responsible for oversight.

Senator Merkley:

35. If confirmed as Assistant Administrator for the Office of Land and Emergency Management, you would be responsible for management of the agency's Superfund program. Recently there have been recent many storms and weather events that have brought unprecedented flooding to communities nationwide. The recent inundation of flood waters in Houston during Hurricane Harvey in 2017 caused severe flooding at over a dozen Superfund sites, resulting in the release of unknown quantities of toxic chemicals into the environment. The damage caused by weather events isn't limited to East Coast

and Gulf Coast communities during hurricanes; communities along the Mississippi River has experienced extreme flooding events as well as communities in New England and the Pacific Northwest. Hundreds of Superfund sites are located in flood-prone areas, including 75 sites in Oregon, with millions of people living within one mile of those sites. The potential threat of exposure to hazardous waste from these sites from past/recent extreme weather events may not have been considered in the cleanup process, which is why it is important we address this issue now.

If confirmed as Assistant Administrator for the Office of Land and Emergency Management, how would you ensure the structural integrity of Superfund sites during potential extreme weather events?

I am not familiar with the specifics about all of the individual Superfund sites; however, if confirmed, I look forward to being briefed on this issue. With that said, I believe it is important to plan for potential risks of contamination unique to each site to prevent against further contamination.

36. How would you modify remedial designs to account for extreme weather for Superfund sites where a Record of Decision (ROD) has already been issued?

I believe it is essential to consider extreme weather impacts throughout the Superfund process. If confirmed, I will with OLEM and EPA's regional offices on this issue.

37. For sites on the National Priorities List (NPL), please explain how the EPA is considering extreme weather in its exposure evaluation in assessing potential threats from the NPL site to human health and the environment.

I am not familiar with the specifics about all of the individual Superfund sites; however, if confirmed, I look forward to being briefed on this issue.

38. Many Superfund sites are located in poor communities. What measures is the EPA putting into place to protect these communities in particular from exposure to toxic waste during extreme weather events?

I am not familiar with the specifics about this policy; however, if confirmed, I look forward to being briefed on this issue. Nevertheless, all children, regardless of race or income deserve clean air and safe water. We must ensure that all communities are treated the same.

39. Capping contaminated soil is a method often used in Superfund site cleanups. What is the EPA doing to ensure that existing caps do not become damaged during extreme weather events?

I am not familiar with the specifics about this policy; however, if confirmed, I look forward to being briefed on this issue.

40. Climate change will increase the potency as well as the frequency of extreme weather events, which in turn increase the risk of exposing the public to hazardous waste from Superfund sites. Therefore, your understanding of the most basic science of climate change science will be essential to your role in the regulation of greenhouse gases. During the hearing, you said that you were not familiar with scientific studies that demonstrate human activity is the primary driver of climate change. Please take some time to read through the first volume of Fourth National Climate Assessment (found here: <https://science2017.globalchange.gov/downloads/>), authored by 13 federal agencies, including the EPA. The report states, "Global annually averaged surface air temperature has increased by about 1.8°F (1.0°C) over the last 115 years (1901–2016). This period is now the warmest in the history of modern civilization. The last few years have also seen record-breaking, climate-related weather extremes, and the last three years have been the warmest years on record for the globe. These trends are expected to continue over climate timescales."

Do you agree with this finding? If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

I believe that climate change is real and that humans have an impact on the climate.

41. The Portland Harbor Superfund site is one of the Superfund sites listed by EPA as targeted for "Immediate, Intense Action". The completion of the Record of Decision was a significant milestone in progress towards clean-up of the river. Can you commit to incorporating new information through the flexibility of the existing ROD so the clean-up moves forward without delay?

Consistent with the memorandum submitted to the committee, I will be recused from working on this site.

42. I am concerned about the EPA's recent decision to amend the "Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities" rule, more commonly known as the coal ash disposal regulation. The proposed amendments would allow states to weaken every aspect of the 2015 rule. Under the proposed changes, there would be no federal baseline, and states would be able to set their own standards that could be far less protective of America's important water resources.

The 2015 coal ash disposal rule was issued after years of intense negotiations with numerous stakeholders, including utility companies, environmental advocates, and public members. More than 100 EPA scientists, engineers, and economists developed standards to ensure water safety using scientific evidence and rigorous analyses. Additionally, power plant operators were actively involved in the rulemaking process, and the EPA properly addressed all of their comments and concerns. The proposed amendments, however, skipped this entire process.

Will you commit to use the best available science in setting standards for coal ash disposal and preserve current standards?

I am not familiar with the specifics this policy; however, if confirmed, I look forward to being briefed on this issue.

Senator Sullivan:

43. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Last year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under Alaska Native Claims Settlement Act (ANCSA) to Alaska Native corporations. These are lands the government gave to these Alaskan Natives as a settlement that were in fact contaminated before the native corporations took possession. 46 years later, the majority of those contaminated sites have not been remediated.

- a. Can you commit to work with me to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including the Army Corps and Department of the Interior?

I am not familiar with the specifics this policy; however, if confirmed, I look forward to being briefed on this issue. Furthermore, I look forward to engaging on our shared mission to promote human health and the environment.

Senator Whitehouse:

44. The Union of Concerned Scientists (UCS) reports that DowDuPont and/or its subsidiaries are a responsible party for 238 Superfund sites in 44 states, with 180 of these sites being on the National Priority List. Is this information accurate? If not, what explains the difference between DowDuPont's numbers and UCS' numbers? *(Note: for this and all subsequent questions, "DowDuPont" refers to the merged entity as well as to Dow and DuPont when they existed as separate companies prior to the merger.)*

I am not familiar with reports from this organization nor how they were derived; however, following discussions with EPA's career ethics officials prior to my joining the Agency, if confirmed, I would be recused from working on DowDuPont related sites for two years.

45. How much does DowDuPont estimate its financial obligations to be with respect to Superfund cleanups specifically, and environmental remediation and restoration more broadly?

DowDuPont estimate of remedial and restoration obligations are made in accordance with accounting principles and the requirements of the Security and Exchange Commission. These estimates together with other financial information are audited by independent auditors and reported in the 10K and other SEC disclosure reports.

46. DowDuPont's 2017 10k says the following with respect to the company's Superfund liabilities:

[Dow DuPont's liability] estimates are based on a number of factors, including [...] the outcome of discussions with regulatory agencies [...]. Therefore, considerable uncertainty exists with respect to environmental remediation and costs, and under adverse changes in circumstances, it is reasonably possible that the ultimate cost with respect to these particular matters could range up to two and a half times above [the reported] amount. Consequently, it is reasonably possible that environmental remediation and restoration costs in excess of amounts accrued could have a material impact on the Company's results of operations, financial condition and cash flows.

Based on DowDuPont's 10k, would it be correct to state that DowDuPont sees Superfund and other cleanup costs as a significant factor affecting its profitability?

DowDuPont's 2017 10K reports on the range of matters, including remediation, that could affect the profitability of the company.

47. Has DowDuPont lobbied EPA on Superfund-related matters under the current administration? If so, on what specific Superfund-related matters did DowDuPont lobby EPA? Which EPA officials did DowDuPont lobby on Superfund-related matters?

I am not familiar with the lobbying or advocacy activity of DowDuPont and would direct you to relevant filings.

48. How much in total did DowDuPont spend lobbying the federal government on Superfund-related matters during each of the last five calendar years? What percentage of this money was spent lobbying EPA?

I am not familiar with the lobbying or advocacy activity of DowDuPont and would direct you to relevant filings.

49. How much did DowDuPont contribute to Donald Trump's campaign, outside spending groups supporting his election, and inauguration?

I am not familiar with the political contribution history or related activity of DowDuPont and would direct you to relevant filings.

50. How much did DowDuPont contribute to the Republican Attorneys General Association while Scott Pruitt was part of its leadership?

I am not familiar with the political contribution history or related activity of DowDuPont and would direct you to relevant filings.

51. Please list all trade associations, section 527 organizations, and section 501(c)(4) organizations engaged in political or electioneering activities to which DowDuPont has contributed since January 1, 2015. With respect to any organizations identified, please specify the amount of the contribution(s), date(s) on which they were made, and any specific instructions or direction given to the organization regarding the use of DowDuPont funds.

I am not familiar with the political contribution history or related activity of DowDuPont and would direct you to relevant report filings.

52. Will you recuse yourself from all particular matters involving entities identified in the previous question?

I am not familiar with the political contribution history or related activity of DowDuPont and would direct you to relevant report filings; however, following discussions with EPA's career ethics officials prior to my joining the Agency, if confirmed, I would be recused from working on DowDuPont related sites for two years.

53. You have pledged to recuse yourself from specific matters involving Superfund sites where DowDuPont is a responsible party. However you have not pledged to recuse yourself from rulemakings and other matters of general applicability that will effect all Superfund sites. Given that DowDuPont and/or its subsidiaries are a responsible party at, by at least some counts, over 200 Superfund sites, and given DowDuPont's admission that environmental remediation costs may have a material impact on the company's financial condition, will you commit to recuse yourself from all Superfund-related rulemakings and policy decisions?

If confirmed, I will continue rely on the guidance from EPA's career ethics officials to determine any issues for which I may be recused.

54. If you will not commit to so recuse yourself, please explain how in your view being appointed to this position is consistent with President Trump's pledge to drain the swamp.

If confirmed, I will continue rely on the guidance from EPA's career ethics officials to determine any issues for which I may be recused.

55. Many Superfund sites are located in areas vulnerable to storm surge or inland flooding. Do you believe that burning fossil fuels is primarily responsible for climate change? If so, what steps, if any, will you take to challenge the climate denialism being promoted by Administrator Pruitt and President Trump?

I believe that climate change is real and that humans have an impact on the climate.

56. With respect to coal ash, are you supportive of Administrator Pruitt's proposal to weaken monitoring requirements for coal ash dumps?

I am not familiar with the specifics this policy; however, if confirmed, I look forward to being briefed on this issue.

57. Corporate owners and operators of coal ash dumps have historically exercised their influence to avoid the necessary cleanup of leaking coal ash dumps which place communities at risk due to contaminated drinking water. In light of this, are you supportive of Administrator Pruitt's proposed changes to the current national cleanup standards that would make it easier for owners and operators to avoid, delay, and/or defer cleanup of leaking coal ash dumps?

I am not familiar with the specifics this policy; however, if confirmed, I look forward to being briefed on this issue.

58. Do you believe that owners and operators of coal ash disposal sites should be given the authority to determine cleanup standards of contaminated groundwater at these hundreds of contaminated coal ash sites without the direct oversight of state or federal regulators?

I am not familiar with the specifics this policy; however, if confirmed, I look forward to being briefed on this issue.

Senator BARRASSO [presiding]. Well, thank you very much, Mr. Wright.

I want to thank both of you for your testimony.

Throughout this hearing and with the questions for the record, Committee members are going to have the opportunity to learn more about your commitment to our great Nation, and I would ask that throughout this hearing you please respond to the questions, not just those today, but also those for the record.

There are a couple of questions that we ask of all nominees on behalf of the Committee, and I will start with the one of do you agree, if confirmed, to appear before this Committee or designated members of this Committee, and other appropriate committees of Congress, and provide information subject to appropriate and necessary security protection with respect to your responsibilities?

Mr. McIntosh.

Mr. MCINTOSH. Yes.

Senator BARRASSO. Mr. Wright.

Mr. WRIGHT. Yes.

Senator BARRASSO. Thank you.

Do you agree to ensure that testimony, briefings, documents, and electronic and other forms of information are provided to this Committee and its staff, and other appropriate committees, in a timely manner?

Mr. McIntosh.

Mr. MCINTOSH. Yes.

Senator BARRASSO. Thank you.

Mr. Wright.

Mr. WRIGHT. Yes.

Senator BARRASSO. Thank you.

Now, to both of you, do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Mr. McIntosh.

Mr. MCINTOSH. No.

Senator BARRASSO. Mr. Wright.

Mr. WRIGHT. No.

Senator BARRASSO. Thank you very much.

With that, I am going to ask a few questions and then turn to colleagues to do the same.

Mr. Wright, if confirmed, you will oversee the EPA's Superfund program and the Brownfields program. In its 2017 annual report, the parent of your current employer, Dow Chemical, identified itself as a responsible party at 193 existing and proposed Superfund sites, and I understand that roughly 170 of those sites are on the National Priority List.

How do you plan to address the issues of recusal?

Mr. WRIGHT. As has already been identified briefly, and I will expand upon it, I have worked with the career ethics officials at the EPA with respect to drafting and signing a memorandum that makes clear that I will be recused from working on the sites not only that are the Dow Chemical sites, but also those that are DuPont sites in that Dow and DuPont merged on September 1 of 2017, so we have identified those sites in a memorandum which, if confirmed and I join the Agency, I will have to reassign.

We have also put in place in that memorandum a process for screening matters that might come before me with the highest level career official and the political deputy, so that they would screen matters to prevent me from working on any sites from which I would be recused.

Senator BARRASSO. Thank you very much, Mr. Wright.

Mr. McIntosh, if confirmed, one of your principal responsibilities will be to protect the public health and environment in Indian country. Indian Tribes in neighboring States often have different views on how to protect the public health and the environment. These issues can be very contentious. You experienced this first-hand during your tenure in the Michigan State government.

How can EPA better engage Indian Tribes and States as it seeks to improve public health and the environment in Indian country?

Mr. MCINTOSH. In my time with the Michigan Department of Environmental Quality, we did work with our 12 recognized Tribes. I am not with the EPA at the moment, but I look forward to actually working with all the EPA entities and the Tribes as we carry out our environmental and public health protection duties. My experience will allow me to help with the Tribes that have their own organizations, their own environmental organizations to ensure that they have adequate resources, as well as carrying out our Trust responsibilities on the tribal lands that the EPA actually have to carry that out, and I have plenty of experience in terms of working with multiple States and agencies and countries to work through those kinds of issues.

Senator BARRASSO. Because you served as a State regulator. You also worked for a couple of decades as an environmental compliance manager for one of the world's largest automobile manufacturers.

Mr. Wright, you have led an impressive career that includes three decades of environmental law experience.

I would like to ask each of you this based on your backgrounds, what do you consider to be maybe your greatest professional accomplishment as it relates to protecting the environment?

Mr. Wright.

Then I will go to you, Mr. McIntosh.

Mr. WRIGHT. Well, the thing that I think I am most well known for is leading the legal team that has worked to resolve very long-standing controversies with respect to cleanups in the hometown of the Dow Chemical Company, in Midland, Michigan. We have been able to enter into 14 separate orders with EPA Region 5 with respect to the Tittabawassee River and floodplain. Work continues, work is going on I am sure today, if it is not raining, and will continue through 2020 on the Tittabawassee River, and then, after, the Saginaw River and Bay, but we were able, again, to put in place a process that is moving that process along.

The controversy in the city of Midland with respect to dioxin contamination was an issue going back into the early 1980s. We were working with the State, with support from EPA, and the community to come up with a cleanup approach that was able to allow us to complete a cleanup, one sample, nearly 1,400 homes, cleanup about 10 percent of those homes and resolve that issue years ahead of schedule and really very much completely.

Senator BARRASSO. Thank you.

Mr. McIntosh, you talk a little bit about your greatest professional accomplishment as it relates to protecting the environment.

Mr. MCINTOSH. There are a number. I will mention just a couple. When I first went to work for Governor Engler, I got to shepherd the Clean Air Act amendments of 1990, which I know ages me considerably. That was a fantastic opportunity where we worked in a very bipartisan way with the State legislature to totally implement the Clean Air Act, and that was rewarding, and it got us out in front of all the regulatory requirements and such of the statute.

Probably one of the more difficult things I was involved in was negotiating the Twelve Towns Drain combined sewer overflow system improvements for southeast Michigan by actively negotiating with 14 municipalities who were struggling with the resources necessary to improve their combined sewer overflow structure. We were able to leverage Federal funding to the State Revolving Fund to provide seeds to help the municipalities, as well as working with the agencies who were involved in enforcing in that area. But to have the 14 communities come together and finally put the project in place that significantly kept sewage from flowing into our waters of the State, I was most proud of that.

Senator BARRASSO. Thank you.

Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman.

Mr. McIntosh, once again, it is good to see you again. I appreciated the meeting that we had in my office in April. At that meeting we had an opportunity to discuss your thoughts about tribal relations, and I know that you have indicated that you had a number of Tribes that you worked with in your home State.

The Chairman has already indicated an interest in finding out from you about your thoughts about how to work with tribal leaders.

I just want to talk about real consultation and what that means. I think in a lot of cases we have this tendency at the Federal level—and even at the State level—when there is a request for a consultation, it seems to be it is more along the lines of we dot our Is, we cross our Ts. But I think the tribal leadership across this country expects more in consultation. Can you share a little bit about your thoughts about what the term consultation means when it talks about communications with our tribal leaders?

Mr. MCINTOSH. For me, consultation would be—I think with my background and experience with the States, counties, with Ford, with the other countries around the world, as well as the Tribes in the State of Michigan—consultation would be actually a direct dialogue where I can provide specific help to the Tribes where they need it. If it is a resource issue, or if they have a technology issue, you know, I would be able to help. So, to provide direct assistance, as well as help them for the tribal lands where the EPA is actually implementing the Federal regulations, work with them directly so that they are directly involved in that.

Senator ROUNDS. Does it include asking their advice about what they think is right for their lands?

Mr. MCINTOSH. Absolutely. It is their sovereign lands. We have a Federal Trust responsibility, but it is definitely their Federal lands, and we would be working with them as a sovereign.

Senator ROUNDS. Does it include negotiations with them on the appropriate way to proceed?

Mr. MCINTOSH. Negotiations under the law, yes.

Senator ROUNDS. So, it is not simply a matter of having a public meeting where you take some input from a group on a particular geographic area and then simply say we have done our consultation, we have had a public meeting, and now we can make a decision.

I want to flush this out a little bit because I think in a lot of cases that is the way our tribal leaders feel, is that we give them an opportunity to have a public meeting, but we don't have a give and take. Can you flesh this out a little bit for me?

Mr. MCINTOSH. Sure. Although public meetings are very important, when I was a hazardous waste permit engineer, we would have a large public meeting with a gymnasium full of people that were very upset with what was happening, but I personally would seek out the interest groups that were communicating with the department, and I would go meet with them personally prior to the public meeting, first of all, to explain the law under which we were taking these actions and to help them understand where we were going, and to take their input in terms of how they wanted the facility to proceed.

Senator ROUNDS. We have nine Tribes in South Dakota, and I think that is the one thing that I hear more than anything else, is the lack of consultation, a true consultative process, which is more than simply dotting Is and crossing Ts, it is a matter of actually having a dialogue with those leaders.

I would just simply ask that you really consider that in the discussions that you have, that each of these organizations, as a sovereign entity, has built in to the treaty obligations, in many cases, that expectation of true dialogue.

Mr. MCINTOSH. I will, and I look forward to those consultations.

Senator ROUNDS. Thank you, sir.

Mr. Wright, I am just curious. I have been pleased to see that the current leadership of the EPA has shifted their focus on the core environmental responsibilities to those areas that I think were originally intended by Congress. This includes overseeing the Superfund program. I believe that every member of this Committee would like to see greater remediation of our Nation's Superfund sites. You have talked about that.

What do you believe to be the greatest barriers to remediating these sites today?

Mr. WRIGHT. Well, I think the greatest barriers to remediating sites today are a number of practices that have built up over time, you know, that are not as productive as they can be with respect to moving sites forward. It can run the gamut, depending on the particular site, what the impediment is, but overall, I think the real key to really moving forward is encouraging action and moving forward. The experience that I have had, for example, with respect to the Tittabawassee River is similar to, I think, the large sites that are moving forward, is where often smaller chunks are taken,

you know, action is taken on pieces of a problem and not make it the battle over the entire project, and to get going with respect to that. I think that is really one of the keys.

Senator ROUNDS. Let me just say I serve as Chairman of the Senate Environment and Public Works Subcommittee on Superfund. In this capacity, I intend to hold additional hearings examining the strengths and the weaknesses of the Superfund program.

Should you be confirmed, can you commit to appearing before our Subcommittee?

Mr. WRIGHT. I do.

Senator ROUNDS. Thank you.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Rounds.

Senator Ernst.

Senator ERNST. Thank you, Mr. Chair.

Gentlemen, unfortunately, there have been some instances where I have been made promises by the EPA, even in writing, only to have them reneged upon. I am told one thing and then find out in a press report that the EPA is doing exactly what they told me they wouldn't do. So, when issues under your purviews arise and I engage with your offices, can I count on you to keep your word?

Mr. McIntosh.

Mr. MCINTOSH. Should I be confirmed, I look forward to working with you directly and giving you timely responses to anything you ask of me.

Senator ERNST. And Mr. Wright.

Mr. WRIGHT. If confirmed, I will do so.

Senator ERNST. OK. And please, gentlemen, if you have no intent of upholding a commitment or carrying out a policy, I would rather know that up front. I value integrity.

The EPA has also been under intense scrutiny due to some of the questionable decisions that have been made at the agency, and a number of those have been detailed today, but I do look forward to hearing from the oversight committee. Excessive and unnecessary spending, unacceptable uses of Agency resources. The list goes on and on.

It is important to understand what the courses of action are. If you do witness additional improprieties, are you familiar with EPA's policies governing the reporting of such complaints?

Mr. McIntosh.

Mr. MCINTOSH. If confirmed, I will become very familiar with all those policies and rules, and commit to following them, as well as the advice from our Agency ethics officials.

Senator ERNST. I appreciate that.

Mr. Wright.

Mr. WRIGHT. Senator, yes, if confirmed, I intend to come up to speed on those policies and will follow them and follow the guidance of career ethics officials.

Senator ERNST. I appreciate that very much.

I will yield back my time and look forward, again, to additional discussions about the Agency and some of those really unacceptable, what I consider unacceptable uses of taxpayer dollars. Thank you very much.

Senator BARRASSO. Thank you, Senator Ernst.

Senator Carper.

Senator CARPER. Before I ask a series of questions that relate to the offices to which you have been nominated, I just wanted to return to the issue of the Administrator of EPA just to say, Mr. Chairman, colleagues, if I had been accused of any of the things that he has been accused of, and there is like a whole plethora of them, I would be pleading for a chance to sit at this table and defend myself. That is what I would ask. Give me a chance to publicly rebuke these, rebut. That is what I would want. For the life of me, for someone who has been accused day after day, week after week, now month after month of these misdeeds, and not to be seeking the opportunity to be heard before the committee of jurisdiction to clear his name, I don't get it. I just don't get it.

But let me ask a question of both of you, if I could. If the Administrator, Mr. Pruitt, asked EPA staff—apparently he is accused, repeatedly, of asking his EPA staff to help, among other things, help his wife find a job by approaching political supporters, including those with businesses before the EPA, to ask them to put her on their payroll, let me just ask, using your official role for personal gain, including to enrich your family, as far as I can tell, is against the law, do each of you commit not to assist this Administrator or any Administrator in an effort to enrich him or his family, even if he or she directs you to do so? Would you make that commitment?

Mr. Wright.

Mr. WRIGHT. Senator, I have no expectation that would happen, but I wouldn't agree to it.

Senator CARPER. Mr. McIntosh, same question. Would you make that commitment?

Mr. MCINTOSH. Again, I—

Senator CARPER. If you are asked.

Mr. MCINTOSH. I have not been part of the Agency up to this point. If confirmed, I will conduct my official duties in full compliance with all the rules and regulations with the agencies and work very closely with the ethics officials on all issues.

Senator CARPER. OK.

A follow up question. Mr. Pruitt apparently also asked his EPA staff to help him search for real estate, buy a used mattress from a Trump Hotel, get his daughter a White House internship, pick up his dry cleaning, and buy his favorite fancy moisturizer. Federal law prohibits Federal employees, public employees, from asking or directing subordinates to provide them with personal gifts or services.

Do each of you commit to refuse any similar request from Administrator Pruitt or some future Administrator might make of you and your staff along those lines?

Mr. WRIGHT. Senator, I have no expectation of getting such a request, but again, I would follow all of the guidelines informed by the career ethics officials.

Senator CARPER. Thank you.

Mr. McIntosh, same question.

Mr. MCINTOSH. I again commit I will follow all the rules and regulations of the Agency, as well as following and committing to following the guidance of our ethics officials.

Senator CARPER. All right.

Mr. Wright, this question is just for you. In your recusal statement you said you would abide by ethics regulations and the Trump ethics pledge. You also said that you would not participate in working on any DowDuPont Superfund site for 2 years after you are confirmed. Do you intend to seek any waiver that would allow you to work on those sites in the 2 year period following your confirmation, if you are confirmed?

Mr. WRIGHT. I have no intention to seek any waivers.

Senator CARPER. All right, thank you.

A question again for you, Mr. Wright. In January this year I believe Barry Breen, who was the Acting Assistant Administrator for the Office of Land and Emergency Management, told the House Energy and Commerce Committee that when it comes to cleaning up Superfund sites, he said, "We have to respond to climate change, and that is just part of our mission, so we need to design remedies that account for that." That is what he said.

Both Administrator Pruitt and the President are infamous skeptics of climate change science and dismiss the central role scientists say that human activity is playing in changing our climate.

My question of you, Mr. Wright, would be who do you agree with, Mr. Breen and the worldwide scientific community or Mr. Pruitt and our President.

If you were confirmed, will you incorporate perspective climate change impacts into the remedy selections and designs for Superfund sites? Let me say that last question. This is one that I really want to ask. If you are confirmed, will you incorporate perspective climate change impacts into the remedy selection and design for Superfund sites?

Mr. WRIGHT. I will and agree it is essential.

Senator CARPER. Thank you.

Mr. McIntosh, one of the main functions of the Office of International and Tribal Affairs is working with Tribal Nations across our country. Would you please give us an example of some of the work that you have done with Native American communities, please?

Mr. MCINTOSH. The Michigan Department of Environmental Quality that I was Deputy Director of worked extensively with our 12 recognized Tribes on a number of issues. I have not worked specifically on one of the issues other than managing the staff working on those.

Senator CARPER. All right, thank you.

Senator BARRASSO. Thank you, Senator Carper.

Senator Booker.

Senator BOOKER. Mr. Chairman, thank you very much.

Gentlemen, thank you very much for being here. I do want to note that you all have extraordinary haircuts as well.

[Laughter.]

Senator BOOKER. Mr. Wright, I have some questions for you, and forgive me, my time is limited, so I am going to do a little bit of a rapid fire. But just to set up the question, you are aware, I am sure, that Administrator Pruitt is attempting to roll back the 2017 Clean Air Act's Risk Management Program update, otherwise known as the Chemical Disaster Rule. The 2017 update established a set of public health and safety protections that would protect en-

vironmental justice issues, facility workers, community first responders from accidents at a wide range of industrial chemical facilities.

On May 17th the Administrator proposed a new rule that would roll back all protections afforded by those 2017 standards. The proposal comes after a recent report, which was very troubling to my team, that outlined more than 40 chemical disasters that have occurred since Administrator Pruitt first delayed this rule last summer. And the EPA's own data shows that from 2014 to 2016 there have been at least 137 reported accidents each year.

So just my rapid fire questions, if you would, sir. Yes or no, do you support the Administrator's proposal to weaken the chemical safety standards?

Mr. WRIGHT. Senator, I am not deeply familiar with the current rule; it has been some time since I have been asked. I am familiar with the program, but not the current rule.

Senator BOOKER. OK, I would love to ask that, but as a question for the record and see if you would answer that after the hearing.

Yes or no, second, do you believe that facilities should be required to assess whether or not they can move toward using safer technologies to limit their potential for catastrophic chemical incidents?

Mr. WRIGHT. Again, Senator, I am generally familiar with the rule—

Senator BOOKER. But that just seems—

Mr. WRIGHT [continuing]. But I am not as familiar with the particular—

Senator BOOKER. But that just seems like common sense. Do you think that these facilities should have to assess whether or not they can move toward using safer technologies that could actually protect human lives and avoid these hundreds of accidents that we seem to be having?

Mr. WRIGHT. Well, I believe chemical safety is paramount, but if confirmed, I would become more up to speed with the particular details of that proposal.

Senator BOOKER. OK. So then, in general, do you believe facilities that have a chemical disaster or a near miss, as it is termed, that they should be required to investigate what went wrong so that they can avoid similar impacts in the future? Doesn't that seem like a common sense thing that we should require companies to do?

Mr. WRIGHT. Well, Senator, again, I am not particularly familiar—

Senator BOOKER. I am just asking for your common sense.

Mr. WRIGHT. There is a common sense element to it, and it is a practice that I am familiar with for the particular client that I work for today.

Senator BOOKER. So, you think it is just common sense, something that makes sense that we should do.

Mr. WRIGHT. It may be commonsensical, but again, I don't appreciate exactly how it is formulated in the proposed rule or in the previous rule.

Senator BOOKER. So, if you lived in a community, if you were just a neighbor now of a chemical plant, like many folks do in my State,

and they had a near miss or a chemical disaster, would you want them to do an investigation so that they could avoid similar such near misses in the future? If you lived in that community, would that be something you would want?

Mr. WRIGHT. Well, again, from the perspective of being the Assistant Administrator, if confirmed——

Senator BOOKER. I am just asking as a human being, man. These facilities are usually in low income communities, like Cancer Alley in Louisiana, where I visited with poor, low income African-American communities that live next to these plants; people in my State, who live next to a chemical plant. Just for just your own human decency, if you lived near one of these plants, if you had children by those plants, wouldn't you want this done?

Mr. WRIGHT. Well, Senator, as I have stated, I am a very strong believer in chemical safety, and appropriate measures should be taken, and as appropriate, the Agency should enforce existing rules.

Senator BOOKER. The EPA's proposal explicitly states that changes—the EPA itself is saying that they would disproportionately impact low income communities and communities of color. The Agency is moving forward with the rule anyway, despite it saying it would have that disproportionate impact on low income folks, people of color, and they say it is because it is going to save an estimated \$88 million per year in an industry whose overall annual revenue is estimated to be \$100 billion.

So, it seems like that cost-benefit logic is what is prevailing here. Do you believe it is OK for the EPA to make rules that disproportionately impact the health and safety of low income and minority communities because of a cost-benefit analysis, or should the health concerns of those communities prevail?

Mr. WRIGHT. I believe it is very important for EPA to take into consideration the impacts on minority communities, but again, I am not familiar with the details about how this rule does or doesn't do that.

Senator BOOKER. OK, finally, if the EPA refuses to adequately protect these vulnerable communities from negative environmental impacts, again, I have been spending a lot of time on the road visiting communities that are affected in this way, do you agree with me that these communities should have the right to bring a private cause of action to protect themselves against this type of disproportionate harm?

Mr. WRIGHT. Senator, I would take it that that is kind of beyond the scope of the position for which I have been nominated, to generally comment on the law.

Senator BOOKER. But it is important for me, someone who is going to advise and consent the President of the United States, to know what kind of person you are. Do you have an opinion on whether folks should be able to defend themselves in the judicial system from companies that are affecting their life and their health and safety in these communities?

Mr. WRIGHT. Well, again, of course, it depends on the particular State, but there typically are State laws that would provide for a cause of action, whether statutory or common law causes of action.

Senator BOOKER. I would just like to say to the Chairman I would like to have these questions submitted. He says he wasn't prepared to answer a lot of them because he is not familiar with what I am talking about, so I would like to submit them as QFRs and hopefully get more substantive response.

Senator ROUNDS [presiding]. Of course.

Senator BOOKER. Thank you, sir.

Senator ROUNDS. We are about at the end of the hearing here, but I just have one more question. I think Senator Carper may like to ask a question as well.

I am just curious, Mr. Wright, with regards to the Superfund sites, and in particular, some of the Brownfields, when it comes to cleaning them up, coordination and cooperation with State governments and experts in their own field with any State government as well, can you talk a little bit about what you see as the role, the cooperative role between the Federal and State officials with regard to the cleanup and the determination of how to handle these Brownfields sites?

Mr. WRIGHT. Well, I think this goes to the heart of cooperative federalism, really, the agencies and government kind of looking at all levels to work most effectively. It is critical, I believe, that, if you will, the right level of government, the right agency is working on the right kind of a problem, and at the right time.

Of course, EPA, as an environmental agency, is clearly, far and away, the most sophisticated and experienced, from having cleaned up sites across the country, and every kind of site, so, again, it makes the most sense for EPA to have the lead, I believe, with respect to the most complicated, the largest sites.

But there are many sites that are much less complicated, much smaller, and where maybe it makes a lot more sense for a State agency to be the lead agency because it doesn't really call upon all of the resources of EPA. Of course, it makes sense for EPA to consult and support the State, as needed. And there are many cases, I believe, particularly in the Brownfields context, where it may ultimately make sense for maybe the State to be the lead agency because often the State is the arm of government that maybe is closest to the particular community and the economic needs of the State.

So, I think it is really critical that those be well coordinated so that resources are used across the board most efficiently.

Senator ROUNDS. Very good. Thank you, Mr. Wright.

Senator Carper.

Senator CARPER. Thank you, Mr. Chairman.

Apparently at the request of political supporters, Administrator Pruitt has accelerated in some States Superfund cleanups and directed that EPA research dollars be used for pet projects.

Let me just ask do each of you commit not to use your offices or staff to grant special favors to this Administrator's or any Administrator's political supporters, even if he or she directs you to do so?

Mr. WRIGHT. I don't expect that I will be asked that, but I would not deviate from the practices and the policies of the office with respect to—

Senator CARPER. To granting special favors?

Mr. WRIGHT. Yes.

Senator CARPER. Even if asked to do so?

Mr. WRIGHT. Again, I would follow the policies, practices of the office.

Senator CARPER. You might want to be careful with that. Might want to be careful with that.

Same question, Mr. McIntosh.

Mr. MCINTOSH. And I will follow all the advice of our ethics officials at the EPA, as well as follow all the rules and regulations as I carry out my official duties.

Senator CARPER. I would just urge you to keep in mind we have a prayer breakfast that meets every Wednesday morning, and usually I don't get to come because I go back and forth to Delaware every night, but I came today. They asked me to be their speaker, which is quite an honor. The fellow who was nice enough to introduce me at the breakfast was my former fellow Governor here, and one of the things I sometimes talk about in gatherings like that are core values, and just kind of guide me in what I do with my life. I made every mistake in the book in my life, and you have probably made a few mistakes as well. But I always ask myself what is the right thing to do; not what is easy and expedient, but what is the right thing to do.

I would urge you, if you get confirmed for these positions, that is a hugely important question to ask every day, what is the right thing to do. Not what is expedient, not what is easy; what is right.

Second, Golden Rule, treat other people the way you want to be treated. That is maybe the most important rule of all. I would urge you to keep that close to you.

Now, I am going to ask the same question again. Do each of you commit not to use your offices or staff to grant special favors to an Administrator's political supporters, even if he or she directs you to do so? That is my question.

Mr. Wright.

Mr. WRIGHT. Senator, again, I don't expect to ever be asked that, and I would follow any guidance from the EPA's—

Senator CARPER. If you were asked by an Administrator to grant special favors to an Administrator's friends or supporters, even if you think it is not the right thing to do, would you do that?

Mr. WRIGHT. Again, Senator, I have no expectation that I will be asked that—

Senator CARPER. I am very disappointed in that answer, very disappointed.

Mr. McIntosh.

Mr. MCINTOSH. Senator, I appreciate and I share many of the core values you just—

Senator CARPER. I am not surprised.

Mr. MCINTOSH. Again, I will treat everybody I work with, I am no better than them; they are no better than me. I expect the Golden Rule works pretty well in this situation. But I will be also following all the rules and regulations that are before me as I carry out my official duties and work closely with our ethics officials, and commit to doing that.

Senator CARPER. All right.

Mr. Wright, a question on chemical facilities and climate change, if I could. Flooding associated with Hurricane Harvey last year

caused the Arkema Chemical facilities in Texas to lose electricity, which led to several chemical fires there because there was no power to keep the chemicals cool. The Chemical Safety and Hazard Investigation Board recently released its report on this incident and found that flooding from Hurricane Harvey near the facility exceeded the 500 year flood levels and said that since 1994 the area near this facility had experienced three flooding experiences with flood levels that were greater than 100 year flood levels. This report recommended that chemical facilities take steps to assess and mitigate risk from extreme weather events like this.

Mr. Wright, if you are confirmed, you will oversee the EPA's Office of Emergency Management, which is charged with providing information about ways to help industry, government, and the public "prevent, prepare for, and respond to emergencies." Do you agree that facilities that store chemicals should incorporate measures to prevent and respond to emergencies caused by the increased intensity and frequency of extreme weather events that we can expect as a result of climate change? If so, if you are confirmed, will you work to ensure that facilities like the Arkema facility build protections into their emergency response and other plans?

Mr. WRIGHT. Yes.

Senator CARPER. Thank you.

Mr. WRIGHT. And I think that we need to take into account the learnings from any incident in planning for the future.

Senator CARPER. All right.

As managing counsel for Dow and now DowDuPont, you were involved in any number of site cleanups. In your experience, did the pace of work at any Dow site accelerate after a cut to either the funds or personnel that were needed to do the work? Let me say that again. As managing counsel for Dow and now DowDuPont, you have been involved in numerous site cleanups. In your experience, did the pace of work at any Dow site accelerate after a cut in either the funds or personnel that were needed to do the work?

Mr. WRIGHT. Senator, I can't recall any case where the funding was cut. In all cases, the company, that I can think of, met its commitments.

Senator CARPER. All right.

Last, a question, if I can, for Mr. McIntosh. The office for which you have been nominated supports the government to government relationship between the EPA and tribal governments. Can you explain for our Committee what you understand is the Federal Government's responsibility toward Native Americans and tribal communities, which would be under your purview if you are the leader of this entity?

Mr. MCINTOSH. My experience and training is going to allow me to provide very strong support to the Tribes and become an advocate for their issues. Two things. Some Tribes have their own agencies, and with my experience with State government and with Ford and internationally, I will be able to help those Tribes ensure that their agencies are adequately resourced, as well as having the technical wherewithal to carry out their environmental responsibilities or their lands. And for the tribal lands that actually don't have a tribal agency, among my experience, I have managed a large governmental agency; I will be able to provide good coordination with

the EPA and the States as they carry out the environmental implementation of the environmental laws on the tribal lands without their agencies.

Senator CARPER. All right, thanks.

Mr. Chairman, could I make two unanimous consent requests, please?

Senator BARRASSO [presiding]. Without objection.

Senator CARPER. One of them is I would like to ask unanimous consent to submit for the record several reports about the Administrator's alleged unethical behavior over his tenure as the EPA Administrator. I would also like to submit a copy of a letter opposing Mr. Wright's nomination from a number of environmental organizations.

Senator BARRASSO. Without objection.

Senator CARPER. Thank you.

[The referenced information follows:]

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Scott Pruitt enlisted an EPA aide to help his wife find a job — with Chick-fil-A



By Juliet Eilperin, Brady Dennis and Josh Dawsey [SUPP S](#) [Email the author](#)

Three months after Scott Pruitt was sworn in as head of the Environmental Protection Agency, his scheduler emailed Dan Cathy, chief executive of the fast-food company Chick-fil-A, with an unusual request: Would Cathy meet with Pruitt to discuss “a potential business opportunity”?

A call was arranged, then canceled, and Pruitt eventually spoke with someone from the company’s legal department. Only then did he reveal that the “opportunity” on his mind was a job for his wife, Marlyn.

“The subject of that phone call was an expression of interest in his wife becoming a Chick-fil-A franchisee,”

https://www.washingtonpost.com/...-chick-fil-a/2018/06/05/b798c4e4-5eac-11e8-9ec3-49d6d4814c4c_story.html?utm_term=.ca5edc7b7b95[6/18/2018 11:07:11 AM]

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company representative Carrie Kurlander told The Washington Post via email.

Marlyn Pruitt never opened a restaurant. "Administrator Pruitt's wife started, but did not complete, the Chick-fil-A franchise application," Kurlander said. But the revelation that Pruitt used his official position and EPA staff to try to line up work for his wife appears to open a new chapter in the ongoing saga of his questionable spending and management decisions, which so far have spawned a dozen federal probes.

Pruitt's efforts on his wife's behalf — revealed in emails recently released under a Freedom of Information Act request by the Sierra Club — did not end with Chick-fil-A. He also approached the chief executive of Concordia, a New York nonprofit. The executive, Matthew A. Swift, said he ultimately paid Marlyn Pruitt \$2,000 plus travel expenses to help with logistics for the group's annual conference in September.

Current and former EPA aides, speaking on the condition of anonymity to describe private conversations, said Scott Pruitt told them he was eager for his wife to start receiving a salary. Two said the administrator was frustrated in part by the high cost of maintaining homes in both Washington and Oklahoma.

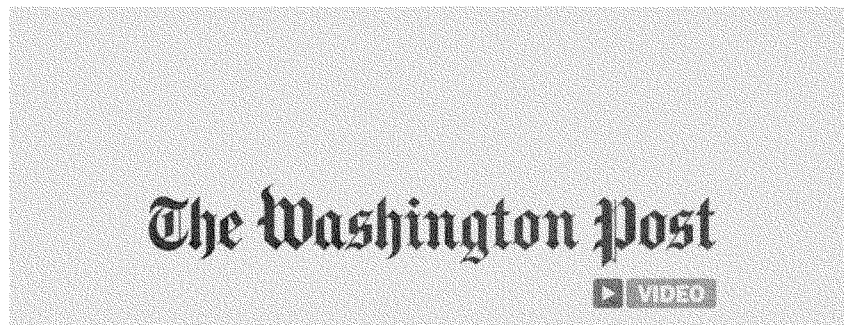
EPA spokesman Jahan Wilcox declined to comment on Pruitt's overtures to Concordia and Chick-fil-A on his wife's behalf.

Federal ethics laws bar public officials from using their position or staff for private gain. A Cabinet-level official using his perch to contact a company CEO about a job for his wife "raises the specter of misuse of public office," said Don Fox, who was head of the federal Office of Government Ethics during the Obama administration. "It's not much different [from] if he [had] asked the aide to facilitate getting a franchise for himself."

Asking a government scheduler, Sydney Hupp, to plan the meeting also marks a violation of federal rules barring officials from asking subordinates to perform personal tasks, Fox said. "It is a misuse of the aide's time to ask the aide to do something like this that is really for personal financial benefit."

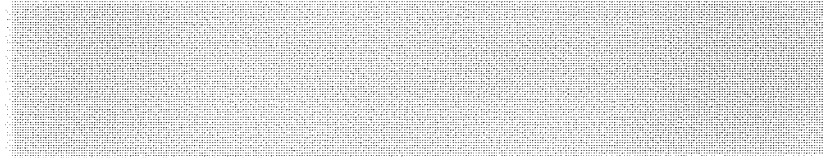
Hupp left the EPA last year; she did not respond to a request for comment.

Hupp was not the only EPA employee enlisted to perform nonofficial tasks. Last month, Pruitt acknowledged that Hupp's sister, Millan, helped him search for housing in the District. She later told congressional staffers that she made inquiries at the Trump International Hotel about buying him a used mattress while she was on the EPA payroll.



https://www.washingtonpost.com/...-chick-fil-a/2018/06/05/b798e4e4-5eac-11e8-9ec3-49d6d4814c4c_story.html?utm_term=.ca5edc7b7b95[6/18/2018 11:07:11 AM]

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The Georgia-based Chick-fil-A receives about 40,000 “expressions of interest” each year from people hoping to operate one of its restaurants, Kurlander said.

“The process of becoming a franchisee is very thorough and results in approximately 100 people being selected each year,” she wrote. “We are very proud of the fact that those who are selected demonstrate the leadership ability and business acumen needed to own and operate Chick-fil-A restaurants.”

Pruitt’s expression of interest began May 16, 2017, according to the released emails, when Sydney Hupp emailed Cathy that her boss “asked me to reach out to you and see if you might be willing to get a time set up for the two of you to have a meeting.”

Cathy, who has championed socially conservative causes and had met Pruitt during his tenure as Oklahoma attorney general, replied within an hour, connecting Hupp with one of his own aides, Evan Karanovich.

Karanovich asked whether “an initial phone call would be sufficient” and inquired what the EPA chief wanted to talk about. “The Administrator did not mention a specific topic, but I will touch base with him to see if there is one,” Hupp replied.

The two sides arranged a conference call for June 23, with Cathy scheduled to be joined by a senior attorney in his legal department. That call did not happen, company officials said, adding that “a call took place later between Administrator Pruitt and a Chick-fil-A staff member.”

The effort ultimately did not lead to a franchise for Marlyn Pruitt. Kurlander noted that “Mrs. Pruitt is not and has never been a Chick-fil-A franchisee.”

Around the same time, Scott Pruitt contacted Swift, CEO of Concordia, a nonprofit that brings together leaders from the private and public sectors. Pruitt asked Swift to call Marlyn Pruitt, Swift said in an email, which he did.

“We discussed her interest in event planning for nonprofits and events that take place in Washington,” Swift said. “Mrs. Pruitt was interested in meeting people in the nonprofit sector, and I offered to introduce her to some of Concordia’s attendees based in Washington and for her to become involved with Concordia’s events.”

Swift’s group had invited Scott Pruitt to speak at its 2017 conference in Manhattan, the same event where Marlyn Pruitt was paid \$2,000 for three days’ work. At the event, Scott Pruitt was accompanied by at least three aides. EPA travel records show his first-class plane ticket cost \$1,201.80, and his overnight stay came to \$669.

“Neither Mr. nor Mrs. Pruitt ever solicited a position for Mrs. Pruitt at Concordia, nor was it a condition of the agreement for the administrator to speak,” Swift said.

The Pruitts’ focus on augmenting their household income appears to have come after the administrator moved to Washington and began paying for two full-time residences. The EPA chief attracted widespread criticism for renting a \$50-a-night condo from a Washington lobbyist in the early months of his tenure. Since then, his

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housing costs appear to have increased substantially.

According to public records, Pruitt and his wife hold an \$850,000 mortgage on their home in an upscale Tulsa neighborhood, requiring monthly payments of approximately \$5,500 — including \$17,793 in property taxes the couple paid last year. The mortgage has an adjustable rate, records show, so those payments eventually could rise.

In addition, the Pruitts lease an apartment in a modern development on Capitol Hill where one-bedroom units start at around \$3,000 per month.

As EPA head, Pruitt makes \$189,600 a year, according to federal records. In a federal financial form filed after he was nominated to lead the agency, Pruitt listed his only income as his attorney general's salary, about \$133,000 per year.

Under the entry for spouse's income and retirement accounts, he wrote, "None."

Pruitt's most recent financial disclosure was due in May, but like many Trump administration officials, he has requested a filing extension.

Alice Crites and Andrew Ba Tran contributed to this report.

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EPA chief Scott Pruitt tapped aide, donors to help wife land job at conservative group



By Juliet Eilperin, Josh Dawsey, Brady Dennis and Shawn Boburg June 13 Email the author

Environmental Protection Agency chief Scott Pruitt last year had a top aide help contact Republican donors who might offer his wife a job, eventually securing her a position at a conservative political group that has backed him for years, according to multiple individuals familiar with the matter.

The job hunt included Pruitt's approaching wealthy party supporters and conservative figures with ties to the Trump administration. The individuals said he enlisted Samantha Dravis, then serving as associate administrator for the EPA's Office of Policy, to line up work for his wife.

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And when one donor, Doug Deason, said he could not hire Marlyn Pruitt because of a conflict of interest, Pruitt continued to solicit his help in trying to find other possibilities.

A spokesman for the Judicial Crisis Network confirmed Tuesday that it employed the onetime school nurse “temporarily as an independent contractor,” but it did not disclose via email how long she worked there or what she was paid. The spokesman said the position came about after the group received her résumé from Leonard Leo, executive vice president of the Federalist Society. The two organizations have financial ties.

Leo is a prominent Pruitt backer and longtime friend who was involved in arrangements for the administrator’s visit to Italy last year. Taxpayers spent more than \$100,000 on the trip, which included private tours of the Vatican and meals at some of Rome’s finest restaurants.

Marlyn Pruitt left the JCN earlier this year, the spokesman said, adding that the group was pleased with her work. But the search and hiring raises more ethics questions about Scott Pruitt’s use of EPA staff as well as his contacts with GOP contributors and outside allies for his personal benefit. Federal ethics rules prohibit public officials from using their posts for private gain or receiving free services or other gifts from their subordinates.

Supreme Court Justice Samuel Alito swears in Scott Pruitt as Environmental Protection Agency administrator in February 2017, as Marlyn Pruitt, his wife, and son, Cade, look on. (Carolyn Kaster/Associated Press)

Virginia Canter, executive branch ethics counsel for the public watchdog group Citizens for Responsibility and Ethics in Washington, said in an interview that Pruitt’s having a full-time EPA employee “become the headhunter for his spouse” was “highly inappropriate” since the outcome of the search “would affect his financial interests.”

“It’s above and beyond anything I’m aware of, with respect to any government employee,” she said, with the fact that Leo accompanied Pruitt on the trip to Italy making the situation even more problematic.

Asked about the matter Tuesday, EPA spokesman Jahan Wilcox said in a statement, “I would refer you to outside counsel.”

Pruitt’s outside counsel, Cleta Mitchell — a political-law attorney at Foley & Lardner LLP, who also helped establish Pruitt’s legal defense fund — did not respond to requests for comment Tuesday. Marlyn Pruitt also did not respond to a request for comment.

The administrator already faces a dozen federal inquiries into his spending and management decisions at the agency, including his first-class travels, a \$50-a-night condo rental from a lobbyist and the installation of a \$43,000 soundproof phone booth in his office. At no point did he consult with EPA ethics officials about his months-long efforts to get his wife a job, current and former agency officials said.

In several instances over the past 15 months, according to the individuals familiar with his overtures, Pruitt approached corporate executives and prominent Republicans whom he had met either while serving as Oklahoma attorney general or after joining President Trump’s Cabinet.

In 2017, for example, he approached Deason on whether the Dallas-based investor would be able to hire Marlyn Pruitt. A biography for Deason, who is president of his family’s business, Deason Capital Services, notes that the firm has “a substantial holding in oil and gas operating company Foreland Resources, LLC.”

Deason told officials — including Dravis and Mitchell — that he could not hire Pruitt because his company has financial dealings in areas regulated by the agency. He agreed to brainstorm other possibilities for her, he said Tuesday, consulting with both women about potential jobs. Deason said Dravis eventually deferred his questions

https://www.washingtonpost.com/...vative-group/2018/06/13/f54c87fa-6db1-11e8-af55-778aca903bbe_story.html?utm_term=.bec8fdeb8c35[6/18/2018 11:08:24 AM]

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to Mitchell.

"I couldn't find anything that made sense, that wasn't some kind of conflict," he said. "I'd get a list of names, and say, 'Here are some people, here's what they do,' and it didn't take long before it was pretty obvious that I was not going to be able to help."

Dravis, who has left the EPA and declined to comment, complained to friends at the time that she felt uncomfortable tapping Pruitt's extensive political network and her own to find a new source of income for his family. "He pressured her," one friend recalled, speaking on the condition of anonymity to discuss private conversations.

Marlyn Pruitt worked as a school nurse in the early 1990s before focusing on raising the couple's two children, according to Oklahoma state records and interviews with several current and former Trump administration officials.

She and her husband have a residence in Tulsa and one in Washington, and he told EPA aides last spring that he needed more money to maintain both. Current and former employees, who spoke on the condition of anonymity out of fear of retaliation, said the administrator embarked on a concerted campaign to line up employment opportunities for her.

In May 2017, The Washington Post reported last week, he instructed one of his schedulers to contact executives at the restaurant chain Chick-fil-A about a franchise for Marlyn. That same month, he introduced her to the chief executive of the New York City-based nonprofit Concordia, which later paid her \$2,000 for work on a conference that Pruitt addressed in his official EPA capacity.

The EPA declined to comment for that Post report.

The Judicial Crisis Network, which historically has pushed for the appointment of conservative judges, has given millions of dollars in recent years to groups associated with Pruitt, according to IRS filings. Starting in 2013, when he was chairman of the Republican Attorneys General Association, the JCN gave the organization \$2,445,000 over three years. It donated \$885,000 in the same period to the Rule of Law Defense Fund, an offshoot group Pruitt launched that describes itself as a "public policy organization for issues relevant to the nation's Republican attorneys general."

In 2016, records show, one of Pruitt's Oklahoma-based PACs, Liberty 2.0, received \$25,000 from the JCN. The attorneys general organization got \$1.3 million that year.

Asked about its financial support of Pruitt and organizations that he led, the JCN's spokesman said they were "among the most active defenders of the rule of law and limited constitutional government. . . . Pruitt was among the AGs who shared those principles and beliefs."

The group took in \$25.6 million in donations in the fiscal year that ended June 2017, its most recent tax filing indicates. It reported having no employees or volunteers but paid millions to outside contractors for polling, consulting, advertising and public relations. It is not required to disclose contributors.

Its spokesman said Marlyn Pruitt's work was related to setting up new offices. "She has great organizational skills, and she was retained by JCN at a time when the organization needed those skills," he said.

Pruitt also has been a reliable booster for the Federalist Society in recent years, interacting with it during his time as Oklahoma attorney general and speaking at events from Washington, D.C., to California.

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As EPA administrator, Pruitt has continued to be a presence at Federalist gatherings, speaking on occasion and meeting with top officials, his public schedule shows.

During his second month on the job, he talked to a Federalist gathering at Tony Cheng's Restaurant in the District's Chinatown. Last September, he addressed a New York chapter of the Federalist Society. In February, he flew to Florida as the keynote speaker for a Federalist gathering at a Disney yacht club.

But while Leo proved helpful in connecting Marlyn Pruitt with the Judicial Crisis Network — it has an office in the same building as the Federalist Society on I Street NW in the District — not all of Scott Pruitt's efforts to line up work for his wife succeeded.

Deason's assistance ultimately fell short. The investor remained in touch with the administrator, however. According to emails recently released under the Freedom of Information Act, Deason emailed Pruitt and his chief of staff, Ryan Jackson, on multiple issues last year. In October, he secured Pruitt for the keynote address at a D.C. gathering of the Texas Public Policy Foundation, a conservative think tank on whose board Deason sits.

Deason said he continues to back Pruitt and his deregulatory agenda. "The president is supporting him, and I'm 100 percent convinced he is going to continue to support him," Deason said.

In his federal financial disclosure form last year, Pruitt wrote "none" in an entry for spouse's income. He requested an extension on this year's disclosure form, which was due in May.

Pressed last week about his wife's pursuit of work since he joined the Trump administration, Pruitt told a reporter, "Look, my wife is an entrepreneur herself."

Marlyn Pruitt, 52, had little earnings in the years before she and her husband moved to Washington. As Oklahoma attorney general, Pruitt certified on ethics forms that she had no income above \$5,000 in 2014 and 2015 — the threshold for disclosure.

State forms from earlier years do not specifically ask about a spouse's income. But other records show her previous employment and salary.

From 1991 to 1995, payroll records show, Marlyn Pruitt worked as a public school nurse in Jenks, a suburb of Tulsa, earning between \$18,300 and \$23,911 annually. A résumé she submitted to the school district shows she was certified in neonatal advanced life support and was a registered nurse in Oklahoma and Kentucky. It also identified her as a preschool Sunday school teacher.

Her nursing licenses expired in 1996, records show, just as Scott Pruitt was building a small legal practice in Tulsa focused on defending Christians in religious liberty cases.

Marlyn Pruitt kept a low profile in Oklahoma as her husband's political career took off. She appears to have launched a company of her own last June.

MP Strategies, LLC was incorporated in Oklahoma, though public records provide a few clues that the Pruitts are tied to the firm. (Scott Pruitt has declined to discuss the company.) The person named on incorporation documents is a lawyer at a Tulsa firm co-owned by Kenneth Wagner, a law school friend whom Pruitt brought into the EPA.

Yet the firm lists its business address as the Pruitts' home in Tulsa. And documents on file with the state show the company email address contains Marlyn Pruitt's name. Concordia CEO Matthew Swift confirmed in an email Monday that his group paid her for last year's logistics work through MP Strategies.

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The EPA Chief dined well while in Italy, including at one of Rome's finest hotels.

LACHLAN MARKAY, SAM STEIN 05.07.18 1:50 PM ET


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On the second night of a jaunt through Rome, EPA Administrator Scott Pruitt blocked off two hours of his schedule to have a private dinner with top aides. For the destination, the group chose Hotel Eden, an ostentatious spot in the heart of the city known for having the best rooftop bar in Rome.

It's the type of place where the wealthy mingle, and where diplomats and businessmen gather to share stories and, occasionally, talk business. The main restaurant in the five star hotel, La Terrazza, advertises its "fine dining experience with equally spectacular views." The cheapest option on its [a la carte menu](#) runs at 130 Euros per person; the most expensive option (which came with a wine pairing) ran at 280 Euros. Pruitt dined with two others that night: Ryan Jackson, his chief of staff, and Samantha Dravis, his former top aide who has since left the EPA.



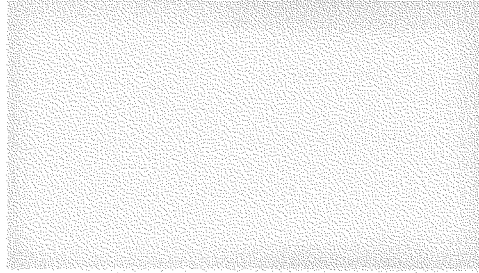
La Terrazza at Hotel Eden

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The stop at Hotel Eden was just one, two-hour window on a two-day swing through Rome. But for Pruitt's critics, it, and the trip in general, is emblematic of a cabinet official who has spent lavishly on himself while living off the taxpayer dime; a proclivity that extends to a taste in fine restaurants in Washington D.C. as well. The total cost of the Italy trip, which included an swing to Bologna to meet with environmental ministers, ran \$120,000, according to previously reported EPA documents.

Pruitt defended that price tag by stressing that he was taking "very important meetings" along the way. He called the trip "an obligation" and said he was "a little bit dumbfounded by the kind of media narrative that these things are somehow not the focus." His aides point out that the administrator and each of his staffers are given per-diems when traveling abroad, and that any expenses exceeding them are paid out of pocket, not billed to taxpayers (though much of the costs Pruitt ran up related to the massive security detail he used while abroad).

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But the specific details of Pruitt's trip, which were published on Monday as part of a massive trove of documents obtained by the environmental group Sierra Club, show that official work events made up a relatively small portion of his time in Rome.

In all, Pruitt held four work events over the course of just under 48-hours in the city. They included a meeting with Kelly Degnan, the U.S. Mission Italy's Deputy Chief of Mission; a roundtable of business leaders to discuss environmental innovation, a meeting with the Vatican's ministry of foreign affairs; and a judicial roundtable on environmental law.

All told, those four work-related events took up four hours of Pruitt's time, according to his schedule.

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By contrast, Pruitt had three private, non-work related meals, including his stop at Hotel Eden, which took up 5.5 hours of his schedule. He also took a private tour of the Vatican Library, a private tour of the Scavi, and a private tour of the Apostolic Palace, which took up 3.5 hours of his schedule.

Pruitt also had a private mass at the Vatican, which was reportedly arranged for him Leonard Leo, the head of the conservative Federalist Society

EPA spokesman Jahan Wilcox defended the trip on Monday, noting that it was comparable in activity and expense to previous junkets taken by Pruitt's predecessors in the Obama administration.

Wilcox provided documentation showing that Gina McCarthy, Obama's second EPA administrator, spent about \$71,000 on a trip to Italy and the Vatican, and brought eleven staff members with her. Pruitt's trip, on which he was joined by ten staff members, cost about \$120,000, though Wilcox noted that that sum included a chartered military jet from Cincinnati to New York, where Pruitt boarded a flight to Italy. That chartered flight cost about \$36,000, according to an [ABC News report](#).

Sierra Club Executive Director Michael Brune on Monday, noted that the group had to take Pruitt to court in order to get a copy of his schedule.

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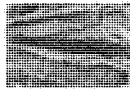
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"These documents expose a deeply rooted culture of corruption surrounding Scott Pruitt and his dealings in essentially every aspect of his job," said Brune. "Scott Pruitt doesn't live in the swamp -- he is the swamp -- and he should resign, or be fired immediately."

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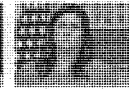
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A Lobbyist Helped Scott Pruitt Plan a Morocco Trip. Then Morocco Hired the Lobbyist. - The New York Times



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WASHINGTON — Scott Pruitt, the head of the Environmental Protection Agency, allowed a lobbyist friend to play an unusually influential role in setting his agenda during a visit in December to Morocco, according to internal communications related to the scheduling of meetings reviewed by The New York Times.

Just months after helping to organize the trip, the lobbyist, Richard Smotkin, was hired by the government of Morocco as a \$40,000-a-month foreign agent, according to filings with the Department of Justice. Mr. Smotkin participated in several meetings with Mr. Pruitt in Morocco, including with representatives from some industries, according to participants on the trip.

A Lobbyist Helped Scott Pruitt Plan a Morocco Trip. Then Morocco Hired the Lobbyist. - The New York Times

Mr. Smotkin had worked as a lobbyist for Comcast when he first came to know Mr. Pruitt in Oklahoma, where Mr. Pruitt served as attorney general before joining the Trump administration.

Mr. Pruitt is facing at least 11 investigations examining his first-class travel, pay raises given to his staff, money spent on security and office furnishings, and frequent trips he took to his home in Oklahoma after he was confirmed, at taxpayer expense.

Members of Congress had questioned whether there was a legitimate government reason for Mr. Pruitt to travel to Morocco and also questioned the cost of the trip. Moreover, the swiftness with which Mr. Smotkin then received the Morocco contract raises questions about whether the trip helped Mr. Smotkin secure the deal.

“It makes it almost look like it was part of a business cultivation effort,” said Meredith McGehee, executive director of IssueOne, a nonprofit government ethics group.

Mr. Smotkin, who has not publicly disclosed his role in planning the Morocco trip, did not respond to requests for comment. There is no evidence that he has business before the E.P.A.

A Lobbyist Helped Scott Pruitt Plan a Morocco Trip. Then Morocco Hired the Lobbyist. - The New York Times



Leonard Leo helped facilitate Mr. Pruitt's Rome trip and joined him there for a private Mass at the Vatican and at an expensive restaurant for dinner. *Lacey Swall for The New York Times*

Jahan Wilcox, an E.P.A. spokesman, did not dispute that Mr. Smotkin participated in the Morocco trip, or some of the meetings that involved Mr. Pruitt. But he said that the visit was organized by agency staff members.

"EPA's Office of International and Tribal Affairs organized and led the effort around Administrator Pruitt's official meetings with the Moroccan government," Mr. Wilcox said in a statement Tuesday. "Additionally, Mr. Smotkin did not attend or participate in any official meetings with the Moroccan government."

Mr. Pruitt last week faced pointed questions from two congressional oversight committees about his spending and management of the E.P.A., with some lawmakers demanding additional information about his travel and security spending. Mr. Pruitt has often flown on first-class flights, with the airfare alone to Morocco costing more than \$16,000.

On Tuesday, two of his top aides, including his head of his security detail,

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resigned.

Mr. Pruitt has also faced questions about why he focused on the trip on promoting liquefied natural gas exports, an issue that is not part of the E.P.A.'s mission. Mr. Pruitt testified that the Moroccan ambassador invited him to the country to negotiate the environment portion of a free-trade agreement. He said the ambassador, Lalla Joumala, asked him to raise the issue of liquefied natural gas when he was in Morocco.

In April, Mr. Smotkin signed the lobbying contract with the embassy of Morocco to "craft an outreach program" that includes promoting Morocco as a film destination, with the start date of this contract backdated to January. His connection to Mr. Pruitt's Morocco trip was first reported over the weekend in Le Desk, a Moroccan news outlet, and on Tuesday in The Washington Post.

During his time in Oklahoma, Mr. Pruitt and Mr. Smotkin developed a friendship as they repeatedly met up at resort destinations, including at an elite mountainside lodge in Park City, Utah, and the Broadmoor hotel in Colorado Springs for meetings of Republican attorneys general, attendance lists of the events show.

"He has a good relationship with Scott Pruitt," said Walter Cohen, the former Pennsylvania attorney general, who has also worked as a lawyer for Comcast, and who was present at several of the social and campaign-fund-raising events. "Some of these meetings we would go out to have dinner with Scott and his wife and Rick and a couple of other people."

Mr. Smotkin told Mr. Cohen, among others interviewed by The Times, that he had played a role in helping set up the Morocco trip. Mr. Smotkin has been visiting Morocco on behalf of Comcast for several years, working to help promote the northern African nation as a site for film productions for Comcast and its subsidiaries, NBCUniversal and other film companies.

Mr. Smotkin organized several of the meetings Mr. Pruitt held in Marrakesh and Rabat, according to people familiar with the arrangements. Among the meetings was a Dec. 12 discussion with Mostafa Terrab, the chairman of Morocco's state-owned phosphate mining company, OCP Group, which Mr.

A Lobbyist Helped Scott Pruitt Plan a Morocco Trip. Then Morocco Hired the Lobbyist. - The New York Times

Smotkin attended. Mr. Pruitt during the trip stayed at the luxury Hôtel Sofitel Marrakech, one agency official on the trip said.

The day after the meeting, Mr. Smotkin attended a conference sponsored by the OCP Policy Center, a think tank funded by the phosphate giant.

A representative for OCP, which originally stood for Office Chérifien des Phosphates, did not respond to a request for comment.

Maria Bensaid, a spokeswoman for the Moroccan Embassy, said in a statement that the embassy issued the invitation to Mr. Pruitt “to further our partnership and deepen certain sectors of cooperation.” She said all working visits there were organized through official diplomatic channels.

Mr. Smotkin was among the Comcast executives who made a contribution in 2013 to Mr. Pruitt as he prepared to run for a second term as attorney general. During Mr. Pruitt’s tenure in Oklahoma, Mr. Smotkin joined with other movie industry executives to reach out to Mr. Pruitt’s office, emails show, to seek help in urging an investigation into Google, which NBCUniversal and other companies believed was not doing enough to combat the illegal distribution of bootlegged films on the internet.

Mr. Smotkin, who had been listed as a lobbyist contact on behalf of Comcast in Canada, had also played a role in setting up a March 2017 meeting between Mr. Pruitt and Stephen J. Harper, the former prime minister of Canada, who, like Mr. Pruitt, is a known climate change skeptic.

Richard Smotkin, a telecommunications lobbyist who was hired recently by the government of Morocco, helped organize an unusual trip there last year.

A spokeswoman for Comcast said that Mr. Smotkin left the company last July and that Comcast was not involved in the Morocco trip.

On Mr. Pruitt’s other foreign trip as E.P.A. administrator — to Italy in June — he also granted unusual access to a friend, Leonard A. Leo, who heads a conservative judicial group, the Federalist Society, according to three people

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involved in that trip. Mr. Leo was involved in some aspects of planning the trip and also joined Mr. Pruitt during a visit to the Vatican for a private Mass.

Two people involved in the travel arrangements said Mr. Leo's involvement was unusual because outside personnel do not typically help plan international trips for E.P.A. administrators and because his name was not listed on any publicly released documents.

Like Mr. Smotkin, Mr. Leo has enjoyed privileged status at the E.P.A., according to a former agency official, who said that requests made by them were treated as a priority. If either called Mr. Pruitt's office "and asked for something, we did it, it doesn't matter what it was," said the former official, who requested anonymity for fear of running afoul of Mr. Leo, who is powerful among conservatives in Washington.

The relationship between Mr. Leo and Mr. Pruitt stems from their involvement in conservative legal fights at the state level.

In Oklahoma, Mr. Pruitt led the way in legal challenges brought by Republican-led states to Obama administration policies. He also was active in nonprofit groups that sought to spur such fights, including the Republican Attorneys General Association and the Rule of Law Defense Fund. Mr. Pruitt helped create the Rule of Law Defense Fund to assist conservatives who then were using the federal court system to try to block President Barack Obama's environmental efforts, such as the Clean Power Plan.

Mr. Leo, email records from Mr. Pruitt's Oklahoma office show, joined with Mr. Pruitt to help coordinate some of these efforts, and to raise money for them.

Mr. Pruitt during last year's Morocco trip, sitting with Morocco's energy minister, Aziz Rabbah.
Environmental Protection Agency

For example, in 2013, Devon Energy, an Oklahoma-based oil and gas company that had close ties to Mr. Pruitt, organized a meeting between Mr. Pruitt, Mr. Leo and a coal industry lawyer, Paul M. Seby, to create a "clearinghouse" that would be named the Center for Energy Independence and "assist AGs in

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addressing federalism issues,” referring to state attorneys general, emails obtained from Mr. Pruitt’s Oklahoma office show.

Mr. Pruitt’s chief of staff at the time emailed Devon Energy, saying that “this will be an amazing resource for the AGs and for industry.”

Mr. Leo was a director of a nonprofit group called the Rule of Law Project that donated \$145,000 to the Rule of Law Defense Fund in 2014.

Mr. Leo, at the time Mr. Pruitt served as attorney general, also helped introduce Mr. Pruitt to other key conservatives in Washington, including inviting Mr. Pruitt to a private dinner that included the Supreme Court Justices Antonin Scalia and Clarence Thomas, Mr. Pruitt said in a [speech he gave in 2016](#).

Mr. Leo — an observant Catholic who has played a major role in recommending anti-abortion, anti-regulation [judicial nominees for President Trump](#) — accompanied Mr. Pruitt to a private Mass at the Vatican that Mr. Leo helped arrange, according to agency officials who traveled to Rome with Mr. Pruitt. “He was driving most of the schedule,” one former E.P.A. official said of Mr. Leo.

Mr. Leo also joined Mr. Pruitt and his top aides at a top restaurant in Rome, where the bill for the meal totaled several hundred dollars per participant, according to one of the officials. The official said that Mr. Leo traveled with Mr. Pruitt in his motorcade to the Vatican and to the restaurant over the objections of Mr. Pruitt’s aides, according to the official.

Since becoming E.P.A. administrator, Mr. Pruitt has attended events held by the Federalist Society, where he is regarded as the deregulatory champion of the moment. Major donors to the [Federalist Society](#) include the Charles G. Koch Charitable Foundation, David H. Koch, Koch Industries and the Chevron Corporation.

Government ethics officials said that at a minimum, Mr. Pruitt’s calendar — an official government document that has been released after Freedom of Information requests by The Times — should have included details related to the role that Mr. Leo and Mr. Smotkin played in these trips, or their presence as

"With transparency comes accountability," said Ms. McGehee of IssueOne, the nonprofit government ethics group.

An earlier version of a picture caption with this article misidentified the title of Aziz Rabbah. He is Morocco's minister of energy, not transportation.

A version of this article appears in print on , on Page A1 of the New York edition with the headline: Lobbyist Steered E.P.A. Leader's Agenda Abroad. Order Reprints | Today's Paper | Subscribe



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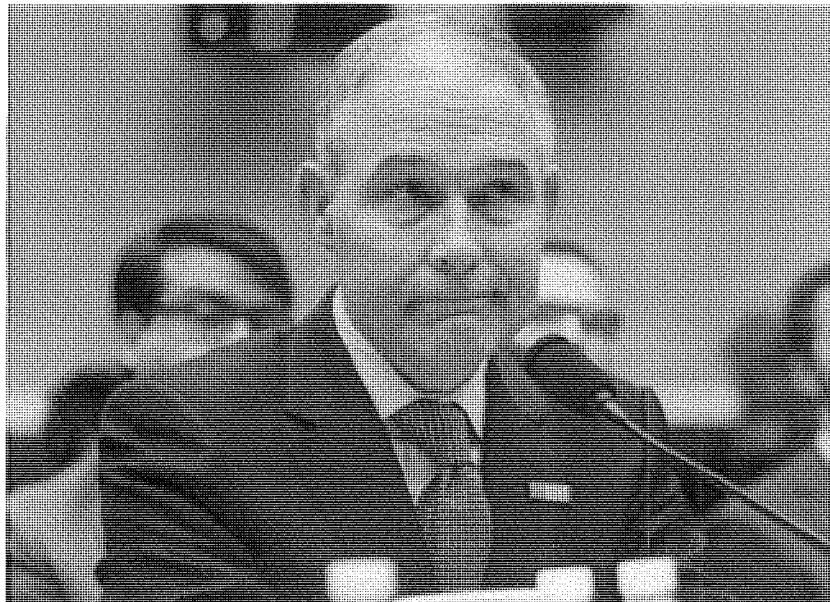
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Energy and Environment

D.C. consultant and former lobbyist helped arrange Scott Pruitt's canceled trip to Australia, records show

By Brady Dennis and Juliet Elperin May 2 [Email the author](#)



Environmental Protection Agency Administrator Scott Pruitt testifies on Capitol Hill in late April. (Pablo Martinez Monsivals/AP)

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D.C. consultant and former lobbyist helped arrange Scott Pruitt's canceled trip to Australia, records show - The Washington Post

This post has been updated.

A Washington-based consultant who had served as a lobbyist for foreign governments helped arrange a trip that Environmental Protection Agency Administrator Scott Pruitt planned to take to Australia last year, according to federal records obtained under the Freedom of Information Act.

Matthew C. Freedman, chief executive of the firm Global Impact Inc., worked with one of Pruitt's top aides and another longtime ally of the administrator, lobbyist Richard Smotkin, to set up meetings in Australia. The trip was scheduled to take place in late August and early September, but Pruitt canceled the travel shortly before his departure so he could survey Hurricane Harvey damage in Texas.

Freedman has previously worked for controversial foreign leaders such as former Philippine president Ferdinand Marcos and the Nigerian government. He is not currently registered as a lobbyist but serves as treasurer for the American Australian Council that promotes economic ties between the two countries.

The Washington Post reported Tuesday Smotkin played a key role in brokering a December trip Pruitt took to Morocco that cost taxpayers about \$100,000. Smotkin, who accompanied Pruitt for much of that journey and served as an informal liaison between EPA and Moroccan officials, subsequently signed a \$40,000-a-month contract with the Moroccan government that was retroactive to Jan. 1.

The 2017 email exchanges between Freedman and Millan Hupp — who at the time served as EPA's deputy director of scheduling and advance — and other Pruitt aides were obtained through litigation by the Sierra Club, an advocacy group. The New York Times first reported on the documents Wednesday afternoon, along with a separate memo showing a lobbyist, whose wife rented Pruitt a room at a discounted rate, weighed in on appointments to the EPA's Scientific Advisory Board.

On June 22, according to one email obtained by the Sierra Club, Smotkin messaged Hupp with the subject line "connecting." He added Freedman's contact details and wrote, "Connecting you with Matt so you have his email."

Freedman wasted no time in offering ideas for Pruitt's trip — and reasons on which he could base an official visit.

"One initial step would be to get a better sense of the current US Australian environmental agreements that are currently in place and whether they should be changed or updated or canceled and replaced with others," he wrote. "It would be relatively easy to put together a joint advisory task force on environment issues thus creating a new mechanism for ongoing discussions."

He added, "I spoke with my friends at US Pacific Fleet Command and they have numerous environmental and maritime issues they would be interested in furthering."

Hupp soon looped in Pruitt's senior counsel, Sarah Greenwalt, saying she would "be the lead in building out the Administrator's schedule for this trip."

A day later, Freedman wrote back to suggest a "face to face" conversation with the EPA team to help in the planning. Apparently aware of Pruitt's insistence on flying Delta whenever possible, he wrote, "PS Delta does fly into Sydney from LA."

Freedman later suggested a call "once or twice a week" with EPA officials arranging the trip, and he said he had been in touch with top Australian officials. He soon sent various ideas for the itinerary — listing official stops and tourist destinations. "I urge consideration of some type of deliverable" to solidify the trip objectives to "blunt any criticism in the future," he wrote.

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The consultant also suggested Pruitt meet with a range of Australian officials, including Prime Minister Malcolm Turnbull and Foreign Minister Julie Bishop.

Meanwhile, he offered sightseeing possibilities Pruitt might enjoy: a walk around Sydney Harbor, a ferry ride and a water taxi ride to a place called the Boathouse for breakfast. He also suggested traveling to the Outback — “quite an experience” — but noted it would require a full 24 hours and could conflict with a planned visit to a liquefied natural gas plant.

In an email on July 10, Freedman made clear to EPA aides that despite all his input, his involvement and that of Smotkin's should not be widely known.

“Rick and I will attend and will be present but will not be listed as members of the delegation. Also, I will make all arrangements for us; we do not want to utilize any [U.S. government] assets for our involvement,” he wrote.

Freedman did not comment Wednesday but shared a statement from the executive board of the bipartisan, nonprofit American Australian Council. “The organization authorized board member Matthew Freedman to have discussions with the Environmental Protection Agency,” the statement read, adding that the group had written Pruitt last year asking whether it “might host him in an unofficial capacity during his planned visit.”

At the EPA, spokesman Jahan Wilcox said Wednesday that the agency's Office of International and Tribal Affairs had “organized and led the effort” around Pruitt's anticipated trip. Freedman is not a lobbyist, Wilcox noted in an email, and had attended a June 20 roundtable of the Business Council for International Understanding. “But organization for this trip began well before that event.”

Sierra Club Executive Director Michael Brune said in a statement Wednesday that “it's no wonder these emails had to be forced out by a court: They expose the fact that corporate lobbyists are orchestrating Pruitt's taxpayer-funded trips to push their dangerous agendas.”

While Pruitt ultimately canceled the trip in the wake of Hurricane Harvey, travel vouchers show a handful of EPA aides and security officials spent roughly \$45,000 traveling to Australia to prepare for the EPA chief's visit. Records show it also cost the agency an additional \$1,922 to cancel various flight and hotel reservations for him.

The newly released records provide further evidence of how Smotkin served as an intermediary between Pruitt's advisers and the Moroccan government he now represents as a lobbyist. In a Nov. 30 email, Moroccan Embassy political counselor Isam Taib told Hupp and Greenwalt that he'd learned of changes to Pruitt's upcoming trip from “Rick,” apparently referring to Smotkin.

“I believe there are some new updates from what I understood from Rick this morning,” wrote Taib, who later signed Smotkin's lobbying contract.

Taib explained that he and others were trying to set up a meeting between Pruitt and the chairman of OCP, a major phosphates exporter. The administrator ultimately met with that executive, Mostafa Terrab, on Dec. 12. Smotkin was in attendance.

A separate memo released by congressional Democrats on Tuesday shows J. Stephen Hart, whose wife charged Pruitt \$50 a night on the days when he stayed in her Capitol Hill condo, urged Pruitt's chief of staff to appoint three individuals to serve as scientific advisers to the agency. Pruitt last year made major changes to the EPA's scientific advisory panels, barring any outside researchers from serving if they were simultaneously receiving grants from the agency.

In the Aug. 10 email to Ryan Jackson — sent less than a week after Pruitt moved out of that condo — Hart

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suggests Pruitt appoint his friend Dennis Treacy, president of the Smithfield Foundation, along with two other individuals whose names have been redacted. A month before, Hart had arranged for Treacy to meet Pruitt to discuss issues related to the Chesapeake Bay.

"This email is further proof that Administrator Pruitt has consistently misled Congress and the public about the extent to which the special interests providing him with gifts have sought specific favors from EPA in return," said Rep. Frank Pallone Jr. (N.J.), the top Democrat on the House Energy and Commerce Committee. "This culture of corruption has diverted public funds to special interests and could undermine all of the important work the EPA does."

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Pruitt blocked scientists with EPA grants from serving as the agency's scientific advisers

Brady Dennis is a national reporter for The Washington Post, focusing on the environment and public health issues. He previously spent years covering the nation's economy. Dennis was a finalist for the 2009 Pulitzer Prize for a series of explanatory stories about the global financial crisis. [Follow @brady_dennis](#)

Juliet Eilperin is The Washington Post's senior national affairs correspondent, covering how the new administration is transforming a range of U.S. policies and the federal government itself. She is the author of two books — one on sharks and another on Congress, not to be confused with each other — and has worked for The Post since 1998. [Follow @eilperin](#)

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EPA Prioritizes Cleanup of Orange County North Basin Groundwater

Twenty-One Sites Targeted for Immediate, Intense Attention Nationwide

12/08/2017

Contact Information:

Nahal Mogharabi (mogharabi.nahal@epa.gov)
213-244-1815

LOS ANGELES – Today, the U.S. Environmental Protection Agency released the list of Superfund sites that Administrator Pruitt has targeted for immediate and intense attention. The 21 sites on the list – from across the United States – are in direct response to the [Superfund Task Force Recommendations](#), issued this summer, calling for this list. The Orange County North Basin, which provides much of the water used in 22 cities, including parts of Fullerton, Anaheim and Placentia, has been selected.

EPA Prioritizes Cleanup of Orange County North Basin Groundwater | U.S. EPA News Releases | US EPA

"By elevating these sites we are sending a message that EPA is, in fact, restoring its Superfund program to its rightful place at the center of the Agency's mission," said EPA Administrator Scott Pruitt. "Getting toxic land sites cleaned up and revitalized is of the utmost importance to the communities across the country that are affected by these sites. I have charged the Superfund Task Force staff to immediately and intently develop plans for each of these sites to ensure they are thoughtfully addressed with urgency. By getting these sites cleaned up, EPA will continue to focus on ways we can directly improve public health and the environment for people across America."

In developing this initial list, EPA considered sites that can benefit from Administrator Pruitt's direct engagement and have identifiable actions to protect human health and the environment. These are sites requiring timely resolution of specific issues to expedite cleanup and redevelopment efforts. The list is designed to spur action at sites where opportunities exist to act quickly and comprehensively. The Administrator will receive regular updates on each of these sites.

Orange County Water District (OCWD), under EPA oversight, is currently conducting an interim remedial investigation and feasibility study to address groundwater contamination in the Orange County North Basin. OCWD has agreed to complete this study and work with EPA so that cleanup can begin as soon as possible. Since the workplan was approved by EPA in June 2017, 11 monitoring wells have been constructed and sampled and an additional 10 monitoring wells are planned for construction. The data collected as part of this study will provide EPA with the information needed to develop an initial remedy that will prevent further vertical and horizontal migration.

The groundwater plume is contaminated with chlorinated solvents and other contaminants covering over five square miles. Contamination in the North Basin is believed to be the result of spills and leaks from industrial activities in the area such as manufacturing and metals processing businesses that utilized solvents as well as dry cleaning facilities over the last several decades. There are many properties in the North Basin where historical industrial activity has contaminated the soil and groundwater with chemicals, including tetrachloroethene (PCE), trichloroethene (TCE), 1,1-dichloroethene (1,1-DCE), and 1,4-dioxane.

EPA is considering listing the site on the National Priorities List (NPL) to further expedite cleanup of the groundwater basin. EPA received a letter from the State of California on June 28, 2017, in support of placing this site on the NPL.

EPA remains dedicated to addressing risks at all Superfund sites, not just those on the list. The Task Force Recommendations are aimed at expediting cleanup at all Superfund sites and Administrator Pruitt has set the expectation that there will be a renewed focus on accelerating work and progress at all Superfund sites across the country.

EPA Prioritizes Cleanup of Orange County North Basin Groundwater | U.S. EPA News Releases | US EPA

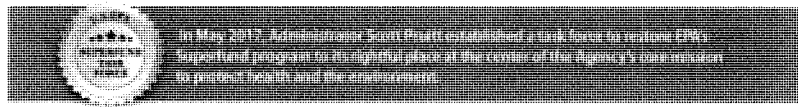
The Task Force, whose work is ongoing, has five overarching goals:

- Expediting cleanup and remediation;
- Reinvigorating cleanup and reuse efforts by potentially responsible parties;
- Encouraging private investment to facilitate cleanup and reuse;
- Promoting redevelopment and community revitalization; and
- Engaging with partners and stakeholders.

The Task Force will provide the public with regular updates as it makes progress on the Administrator's Emphasis list and other Task Force activities.

The list is intended to be dynamic. Sites will move on and off the list as appropriate. At times, there may be more or fewer sites based on where the Administrator's attention and focus is most needed. There is no commitment of additional funding associated with a site's inclusion on the list.


The list of sites can be found [here](#).



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Superfund Sites Targeted for Immediate, Intense Action

This is a list of sites from across the United States that Administrator Pruitt has targeted for immediate and intense attention. This list is in direct response to the [Superfund Task Force Recommendations](#), issued July 25, 2017, calling for this list.

In developing this list, EPA considered sites that can benefit from Administrator Pruitt's direct engagement and have identifiable actions to protect human health and the environment. These are sites requiring timely resolution of specific issues to expedite cleanup and redevelopment efforts. The list is designed to spur action at sites where opportunities exist to act quickly and comprehensively. The Administrator will receive regular updates on each of these sites.

The list:

- Is intended to be dynamic. Sites will move on and off the list as appropriate. At times, there may be more or fewer sites based on where the Administrator's attention and focus is most needed.
- There is no commitment of additional funding associated with a site's inclusion on the list.
- Is presented in order by EPA region.

[See Questions and Answers for the Superfund Sites Targeted for Immediate, Intense Action.](#)

EPA remains dedicated to addressing risks at all Superfund sites, not just those on the list. The [Task Force Recommendations](#) are aimed at expediting cleanup at all Superfund sites and Administrator Pruitt has set the expectation that there will be a renewed focus on accelerating work and progress at all Superfund sites across the country.

As of April 16, 2018, the list is:

US EPA Superfund Task Force: Superfund Sites Targeted for Immediate, Intense Action - April 16, 2018

Site	EPA Region	City or County	State	NPL	Issue/Upcoming Milestone
Mohawk Tannery	1	Nashua	New Hampshire	p	Currently working on the Engineering Evaluation and Cost Analysis. Plan to have a proposed remedy out for public comment in early Summer 2018. Finalize Non-Time Critical Removal Action

<https://www.epa.gov/superfund/superfund-sites-targeted-immediate-intense-action/6/18/2018-11-30-19-AM>

Superfund Sites Targeted for Immediate Intense Action | Superfund | US EPA

					Memo by end of the 2018 fiscal year. Currently negotiating a redevelopment agreement with a Prospective Purchaser.
Centredale Manor Restoration Project	1	North Providence	Rhode Island	F	Working toward an agreement with the potentially responsible party.
American Cyanamid Co.	2	Bound Brook	New Jersey	F	Issue Proposed Plan for public comment by the end of Spring 2018.
Diamond Alkali Co. (aka Upper, Lower Passaic)	2	Newark	New Jersey	F	Finalize the Remedial Investigation and consider taking early actions.
Ventron/Velsicol (aka Berry's Creek)	2	Wood Ridge Borough	New Jersey	F	Issue Proposed Plan for public comment by the end Spring 2018.
L.A. Clarke & Son	3	Spotsylvania	Virginia	F	Resolved two of three disputed issues with potentially responsible parties over risk assessment and conceptual site model. PRPs have conducted initial sampling, and discussions continue to resolve remaining issues. Remaining issues related to implementation of Work Plan is subject to a deadline for invoking dispute resolution. EPA is waiting for PRP response that they will conduct work or dispute.
					Obtain input on

Superfund Sites Targeted for Immediate, Intensive Action | Superfund | USEPA

Delaware Sand & Gravel Landfill	3	New Castle	Delaware	F	enforcement strategy for quick implementation of the remedy by potentially responsible parties to address groundwater contamination before water supply wells impacted.
B.F. Goodrich	4	Calvert City	Kentucky	F	Public comment period has closed and Region is currently evaluating alternatives based on comments received. EPA plans to issue a signed Record of Decision by Summer 2018.
Mississippi Phosphates Corporation	4	Pascagoula	Mississippi	F	Engineering Evaluation and Cost Analysis was issued to the public for comment. EPA is currently evaluating comments received. Sign a Non-Time Critical Removal Action Memo selecting a remedy.
U.S. Smelter and Lead Refinery, Inc. (aka USS Lead or East Chicago)	5	East Chicago	Indiana	F	Sign Explanation of Significant Difference for OU 1 (Zone 2 and 3) In Operable Unit 1 - Zone 1 land use decision, issue Proposed Plan to public for comment in Summer 2018. Complete all soil remediation in Operable Unit 1 - Zone 2 early 2021 and Zone 3 Fall 2018.
Allied Paper, Inc./Portage					Complete Otsego Township Dam

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<u>Creek/Kalamazoo River</u>	5	Kalamazoo	Michigan	F	time critical removal action (in Area 3 of OU5)
<u>St. Regis Paper Co.</u>	5	Cass Lake	Minnesota	F	Determine standard for proposed remedial action; Sign Record of Decision for residential soil cleanup.
<u>Tar Creek (Ottawa County)</u>	6	Ottawa County	Oklahoma	F	Identify and evaluate opportunities to accelerate cleanup. Ensure long term stewardship. Implement institutional controls to protect cleanup.
<u>Des Moines ICE (aka Disco Company)</u>	7	Des Moines	Iowa	F	Complete settlement agreement to support cleanup and redevelopment.
<u>West Lake Landfill</u>	7	Bridgeton	Missouri	F	Complete the public comment process and issue a signed Record of Decision Amendment by the end of the fiscal year 2018.
<u>Bonita Peak Mining District</u>	8	San Juan County	Colorado	F	Issue remediation plan with short- and long-term objectives.
<u>Anaconda Co. Smelter</u>	8	Anaconda	Montana	F	Complete negotiations for implementation of early actions to address human health exposure, followed by site-wide work.
<u>Silver Bow</u>	8	Bulte	Montana	F	Administrator's site visit pending in 2018. Move from recent

Superfund Sites Targeted for Immediate, Intense Action | Superfund | US EPA

Creek/Butte Area					Agreement in Principle to Consent Decree.
Orange County North Basin	9	Fullerton	California	P	Basin-wide groundwater cleanup needed quickly to protect drinking water for millions of residents. Complete public comment process and make final NPL listing decision.
Casmalia Resources	9	Casmalia	California	F	Make final clean-up decision and issue Record of Decision.
Portland Harbor	10	Portland	Oregon	F	On December 2017 EPA signed an agreement with the Pre-RD Group to conduct the pre-design investigation and baseline sampling. Field activities are now underway. Negotiate agreements with additional Potentially Responsible Parties to conduct sampling to support remedial design by the end of the calendar year.
Quendall Terminal	10	Renton	Washington	F	Complete the upland pilot study to inform the evaluation of the preferred alternative and issue the Proposed Plan for public comment by end of fiscal year 2018.

NPL Status Codes

Pre-NPL = Under consideration to be proposed to the NPL

P = Proposed to the NPL

F = Final on the NPL

D = Deleted from the NPL

To: Bennett, Tate[Bennett.Tate@epa.gov]; Hugh[viewsandnews@aol.com]
Cc: Ford, Hayley[ford.hayley@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Hupp, Millan
Sent: Sat 9/9/2017 9:19:56 PM
Subject: Re: Hi From Hugh Hewitt

Mr. Hewitt,

Hayley will be able to assist in scheduling this request. Was there a date you had in mind?

Thank you so much,

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator, EPA
202.380.7561 hupp.millan@epa.gov

From: Bennett, Tate
Sent: Friday, September 8, 2017 5:13:08 PM
To: Hugh
Cc: Hupp, Millan; Ford, Hayley; Ferguson, Lincoln
Subject: RE: Hi From Hugh Hewitt

Hey there, Mr. Hewitt! We had been meaning to reach out to you r.e. the October visit if we hadn't already! I am looping in Millan and Hayley to handle both. The Administrator is looking forward to catching up with you soon and we will process this other request.

-----Original Message-----
From: Hugh [mailto:viewsandnews@aol.com]
Sent: Friday, September 8, 2017 5:09 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Hi From Hugh Hewitt

Hi Tate: Thanks for working with the Lincoln Club folks. I have one other request for a meeting from folks who missed him in the OC but one with SP at his office. With whom do I discuss scheduling? Hugh

Sent from my iPhone

To: Bennett, Tate[Bennett.Tate@epa.gov]; Hugh[viewsandnews@aol.com]
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Sent from my iPhone

To: Ford, Hayley[ford.hayley@epa.gov]; Scott Sommer[SSommer@larsonobrienlaw.com]; Hupp, Millan[hupp.millan@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
 Cc: Stephen G. Larson[SLarson@larsonobrienlaw.com]; Hugh Hewitt Esq.
Personal Email/Ex. 6
 From: Robert C. O'Brien
 Sent: Thur 10/12/2017 5:19:17 PM
 Subject: RE: From Hugh.

Many thanks. Best, RCO

Robert C. O'Brien

Partner

LARSON O'BRIEN LLP

555 South Flower Street, Suite 4400

Los Angeles, CA 90071

213.436.4865 Direct

213.436.4888 Office

213.623.2000 Fax

robrien@larsonobrienlaw.com

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From: Ford, Hayley [mailto:ford.hayley@epa.gov]
 Sent: Thursday, October 12, 2017 10:14 AM
 To: Robert C. O'Brien <ROBrien@larsonobrienlaw.com>; Scott Sommer <SSommer@larsonobrienlaw.com>; Hupp, Millan <hupp.millan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
 Cc: Stephen G. Larson <SLarson@larsonobrienlaw.com>; Hugh Hewitt Esq.
Personal Email/Ex. 6
 Subject: RE: From Hugh.

Robert,

Thank you for the confirmation. We look forward to the meeting. Please send our well wishes to Judge Larson and those affected by the fires.

We'll see you next week.

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Robert C. O'Brien [<mailto:ROBrien@larsonobrienlaw.com>]

Sent: Thursday, October 12, 2017 12:42 PM

To: Scott Sommer <SSommer@larsonobrienlaw.com>; Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Cc: Stephen G. Larson <SLarson@larsonobrienlaw.com>; Hugh Hewitt Esq.

Personal Email/Ex. 6

Subject: RE: From Hugh.

Importance: High

Dear Hayley,

I am writing to confirm our meeting with General Pruitt next week, Wednesday, October 18 at 10:00 a.m. Our group will be myself, my Larson O'Brien colleague, Scott Sommer, and Bill Hunt from OCWD. Please give General Pruitt my warmest regards and let him know that I look forward to seeing him again. Unfortunately, due to the fires in Santa Rosa and the impact they

have had on one of our large clients there, Judge Larson will not be able to join us as he is heading north (winds and fire conditions permitting).

Thank you and do not hesitate to reach out to me with any questions or comments. My mobile phone is: Personal Phone/Ex. 6

Best,

RCO

Robert C. O'Brien

Partner

LARSON O'BRIEN LLP

555 South Flower Street, Suite 4400

Los Angeles, CA 90071

213.436.4865 Direct

213.436.4868 Office

213.623.2000 Fax

robrien@larsonobrienlaw.com

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From: Hugh Hewitt Personal Email/Ex. 6
Date: September 18, 2017 at 9:24:24 PM GMT+1
To: "Ford, Hayley" <ford.hayley@epa.gov>
Cc: "Hupp, Millan" <hupp.millan@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>
Subject: Re: [SPAM] Re: Hi From Hugh Hewitt

H Haley: 10 AM on Wednesday October the 18th makes sense. The 3 for sure are Judge Larson, Scott Sommer and Bill Hunt. I'll join if the Administrator would like me too or can catch up later at a dinner. Let me know his preferences but other three know the North Orange County Basin. Its Greek to me but a big deal in my home county.

Hugh

Sent from my iPad

On Sep 18, 2017, at 7:30 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hi Mr. Hewitt,

I hope you had a nice weekend! I'd be happy to go ahead and schedule this meeting for you. October 18 looks like the best date for us. Does the group have a preference on timing? If not, should we say 10AM?

Thanks!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

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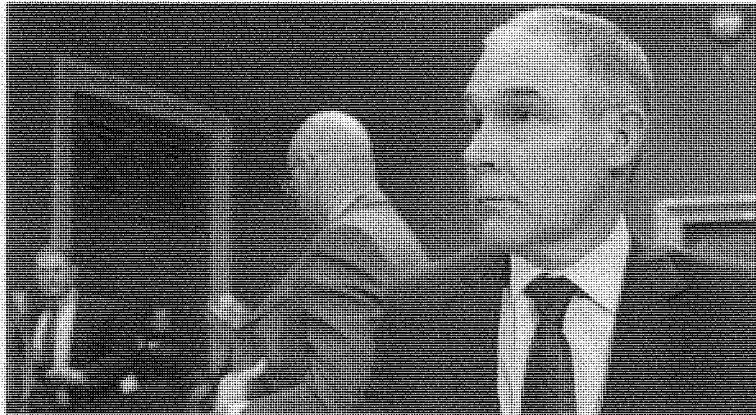
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Scott Pruitt has drawn criticism from environmentalists and other critics for letting prominent GOP backers and industry groups influence the agency's agenda. | A. Scott Applewhite/AP Photo

Pruitt fast-tracked California cleanup after Hugh Hewitt brokered meeting

By EMILY HOLDEN and ANTHONY ADRAGNA | 05/07/2018 10:12 PM EDT

<https://www.politico.com/story/2018/05/07/pruitt-california-cleanup-hewitt-meeting-521215>

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6/18/2018

Pruitt fast-tracked California cleanup after Hugh Hewitt brokered meeting - POLITICO

EPA Administrator Scott Pruitt placed a polluted California area on his personal priority list of Superfund sites targeted for “immediate and intense” action after conservative radio and television host Hugh Hewitt brokered a meeting between him and lawyers for the water district that was seeking federal help to clean up the polluted Orange County site.

The previously unreported meeting, which was documented in emails released by EPA under a Freedom of Information Act lawsuit by the Sierra Club, showed Pruitt’s staff reacting quickly to the request last September by Hewitt, who has been one of Pruitt’s staunchest defenders amid a raft of ethics controversies around his expensive travel, security team spending and a cheap Washington condo rental from a lobbyist.

Pruitt has drawn criticism from environmentalists and other critics for letting prominent GOP backers and industry groups influence the agency’s agenda — even as he has kicked scientists off of EPA’s advisory panels and moved to limit the kinds of peer-reviewed research it will consider when making decisions.

In many cases, the people whose advice Pruitt is heeding could be useful supporters for him in a future race for U.S. senator or president. They include GOP megadonor Sheldon Adelson, who — as POLITICO reported in March — persuaded Pruitt last year to take a meeting with an Israeli water purification company called Water-Gen that later won a research deal with the EPA.

Hewitt, a resident of Orange County whose son James works in EPA’s press office, emailed Pruitt in September to set up a meeting between the administrator and the law firm Larson O’Brien, which employs Hewitt and represents the Orange County Water District. Pruitt had been planning to meet with the lawyers in California a month earlier, but cancelled the trip to undergo knee surgery.

“I’ll join if the Administrator would like me too or can catch up later at a dinner,” Hewitt wrote in his Sept. 18 message. Hewitt added that the issues surrounding the Superfund site were “Greek to me but a big deal in my home county.”

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<https://www.politico.com/story/2018/05/07/pruitt-california-cleanup-hewitt-meeting-521215>

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Pruitt's aides responded within minutes and quickly confirmed an Oct. 18 meeting for the lawyers and a project director.

Six weeks after that meeting, on Dec. 8, the Orange County North Basin site appeared on Pruitt's list of 21 contaminated areas to address. A month later, Pruitt proposed listing the site on EPA's National Priorities List, a move that could make it eligible for long-term federal cleanup funding from the federal government if the responsible polluters cannot be identified and forced to pay for its remediation.

Since then, Hewitt has been a robust defender of Pruitt, dismissing his recent controversies as "nonsense scandals" on MSNBC in early April and saying his detractors were "just trying to stop the deregulation effort."

Pruitt has touted the agency's Superfund work as one of his key priorities, setting up a task force to seek to speed up the clean-up of the nation's worst contaminated sites. That task force had been headed by Albert "Kell" Kelly, a former banker and longtime friend, who departed the agency last week after news about loans he provided to Pruitt in Oklahoma, including the mortgage provided to Pruitt for a house he bought from a lobbyist when he was a state senator.

Environmental advocates have worried Pruitt's efforts to identify Superfund priority sites would bypass the process set up by Congress to ensure cleanup resources are divided fairly, and that he could focus on sites seen as important to his political supporters. And environmentalists have said Pruitt's rush to claim that contaminated properties have been remediated could risk turning them over to local governments and businesses that might pursue cheaper, inadequate solutions.

Elgie Holstein, senior director for strategic planning at the Environmental Defense Fund who has been tracking EPA's Superfund actions, said the connection to Hewitt is "not a surprise."

"The biggest fear we have is that No. 1, the administrator's political priorities and personal ambitions, political ambitions become the primary criteria for action under this program instead of science and health," Holstein said.

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EPA never disclosed the meeting with Hewitt's contacts. It was listed on Pruitt's public calendar as a staff briefing. But on his private Outlook schedule, which the agency has released in response to lawsuits, it appeared as an "Orange County Superfund Site" meeting with Kelly and two other staffers. The records did not list the Californians in attendance at the meeting at EPA headquarters in Washington.

But EPA spokesman Jahan Wilcox confirmed that two lawyers representing the water district, Robert O'Brien and Scott Sommer, and the water district director of special projects, Bill Hunt, were there. A third lawyer, former federal Judge Stephen G. Larson, was forced to cancel his trip due to wildfires in California, according to emails.

"Hugh Hewitt helped arrange the meeting at the request of the water district but did not attend," Wilcox said.

Wilcox said the meeting was for the water district to "brief EPA on the Superfund site's cleanup efforts and request expedited cleanup," following a 2016 agreement with the agency to conduct a remedial investigation and feasibility study, at a cost of \$4 million over two years. Hunt did not immediately respond to a request for comment.

Hewitt in an email to POLITICO called Pruitt a friend and said he does not have a working relationship with him. He said that his firm has represented the water district and worked on the site with EPA's regional office for years but that he had not participated in that work.

Hewitt said he requested a meeting because the water district wanted to brief the new EPA team, he said, adding that he was an Orange County resident until 2016 as well as an Orange County Children and Families Commission member. He said that he "very much" wanted the Superfund site remediated as soon as possible.

The problems with Pruitt: A complete guide

By EMILY HOLDEN, ALEX GUILLEN and KELSEY TAMBORRINO

According to an EPA fact sheet, the Orange County site has more than five square miles of polluted groundwater containing chlorinated solvents and other contaminants across the cities of Anaheim, Fullerton, and Placentia. It includes the Orange County Groundwater Basin, which provides drinking water to more than 2.4 million residents across 22 cities, according to

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the agency. Those pollutants can damage humans' nervous systems, kidneys and livers, and some are considered carcinogenic.

EPA has just begun its process of studying the contamination and it has not determined which companies caused the pollution in the area. But an administrative settlement with the EPA in 2016 says the area was home to "electronics manufacturing, metals processing, aerospace manufacturing, musical instrument manufacturing, rubber and plastics manufacturing, and dry cleaning."

Hewitt also thanked EPA schedulers for working to arrange a meeting between Pruitt and the California Lincoln Clubs, which describe themselves as in favor of "limited government, fiscal discipline and personal responsibility." After some rescheduling Pruitt eventually met with representatives of the group on a trip to California in March of this year, according to his public calendar. Prominent Orange County businessman John Warner also helped to connect that group with staffers.

Pruitt and his scheduling staff have frequently sought to set up meetings with or for influential Republican figures, according to the internal EPA emails.

His team accepted an invitation for him to address The Philanthropy Roundtable at an invitation-only event at the White House for "conservative and free-market foundation CEOs and individual wealth creators to discuss the greatest opportunities for foundations to protect and strengthen free society" and "what [Pruitt] views as unique opportunities for philanthropic action.

As POLITICO reported in March, Pruitt also met with an Indiana coal executive and Trump fundraiser who was seeking to soften a pollution rule.

Pruitt also crafted his travel schedule — including a tour of states in August — to meet with big business much like a member of Congress would during the annual recess.

In July, EPA's associate administrator of public engagement Tate Bennett was working with Pruitt to "essentially create an August recess for the EPA to be out in the states talking with individual companies & doing listening sessions within sectors," said Leah Curtsinger, the federal policy director for the Colorado Association of Commerce & Industry, in an email

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introducing Bennett to her husband, public affairs director at coal company Cloud Peak Energy and a fellow alum of Senate Majority Leader Mitch McConnell's office.

Annie Snider contributed to this report.

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FOR RELEASE: May 4, 2018

CONTACT:

Christine Brennan (Carper) 202-224-8832

Rich Davidson (Whitehouse) 202-228-6291

Carper, Whitehouse Question EPA Actions Favoring Adelson-Backed Company

Sources report Administrator Pruitt instructed EPA's Office of Research and Development to validate Water-Gen's technology following influence from Sheldon Adelson, other Trump supporters

WASHINGTON, DC – Yesterday, U.S. Senators Tom Carper (D-Del.), top Democrat on the Environment and Public Works Committee, and Sheldon Whitehouse (D-R.I.) questioned the Environmental Protection Agency's (EPA) signing of a Cooperative Research and Development Agreement (CRADA) with Water-Gen, an Israeli company backed by Sheldon Adelson, following numerous meetings between EPA Administrator Scott Pruitt and Water-Gen executives. As reported by the Washington Post last night, Water-Gen's technologies were supported by Adelson, a financial supporter of the Republican Attorney Generals Association (RAGA), and Ed Russo, the U.S. CEO of Water-Gen and a long-time consultant to the Trump Organization. A draft itinerary of Administrator Pruitt's scheduled, but cancelled, trip to Israel, obtained by committee staff, outlines a planned public announcement of EPA's Water-Gen CRADA.

The lawmakers wrote, "We write to request information regarding the manner in which EPA decided to sign a Cooperative Research and Development Agreement (CRADA) with Water-Gen, a company whose representatives you met with in Washington, DC at the request of Sheldon Adelson. Your planned (but cancelled) February, 2018 trip to Israel appears to have included a public announcement of EPA funding for Water-Gen...Sheldon Adelson, a longtime donor of Republican causes in which you been involved, brought this company to your attention in 2017. Mr. Adelson is the billionaire owner of the Las Vegas Sands Corporation with whom you are presumably acquainted from your tenure at the Republican Attorneys Generals Association (RAGA). Las Vegas Sands gave RAGA \$1,501,269 during the 2014 election cycle, and \$755,000 during the 2016 election cycle."

A timeline of events included in the letter, along with public documents and information from former and current EPA officials, show the Water-Gen award process to be driven by Administrator Pruitt and significantly influenced by individuals with financial stakes in the technology. For instance, the Water-Gen system was personally delivered to EPA's Cincinnati office for evaluation by Water-Gen's U.S. CEO Ed Russo.

EPA career staff were also instructed to justify the use of the Water-Gen system, which shows a use of EPA resources and taxpayer dollars to benefit specific businesses with ties Administrator Pruitt. The senators noted, "Following a meeting at EPA that included Albert 'Kel' Kelly, until recently your senior advisor, and other individuals in EPA's Offices of General

Counsel and Water, EPA's Office of Research and Development was asked to fund a project to validate Water-Gen's system for potential deployment in lieu of bottled water in disaster response or other scenarios because of your interest in the technology. EPA career staff did not understand what statutory authority existed for engaging in the validation of what they referred to as a 'glorified de-humidifier' or 'magic water machine' simply because you were interested in the technology."

The full text of the letter to Administrator Pruitt can be found below, and in PDF form [here](#).

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United States Senate
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 WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, BALDWIN STAFF DIRECTOR
 MARY FRANCES REYNOLDS, BANCROFT STAFF DIRECTOR

May 3, 2018

The Honorable Scott Pruitt
 Administrator
 Environmental Protection Agency (EPA)
 1200 Pennsylvania Ave., NW
 Washington, DC 20004

Dear Administrator Pruitt:

We write to request information regarding EPA's decision to sign a Cooperative Research and Development Agreement (CRADA) with Water-Gen, a company whose representatives you met with in Washington, DC at the request of Sheldon Adelson. Your planned (but cancelled) February, 2018 trip to Israel appears to have included a public announcement of EPA support for Water-Gen.

Water-Gen, an Israeli company owned by Russian-Israeli billionaire Mikhael Mirilashvili, claims to be able to produce potable water out of air, and has been touted by Israeli Prime Minister Benjamin Netanyahu¹ and Alan Dershowitz.² Sheldon Adelson, a longtime donor to Republican causes in which you been involved, brought this company to your attention in 2017. Mr. Adelson is the billionaire owner of the Las Vegas Sands Corporation. He has also been a donor to the Republican Attorneys General Association (RAGA), an organization you formerly headed. Las Vegas Sands gave RAGA \$1,501,269 during the 2014 election cycle, and \$755,000 during the 2016 election cycle.³

Water-Gen's American CEO, Ed Russo, has been a consultant to the Trump Organization since 2001 and is the author of a book entitled "Donald J. Trump: An Environmental Hero."⁴ It is our understanding that Mr. Russo personally delivered Water-Gen's system to EPA's Cincinnati office for evaluation. Information received by our offices from both current and former EPA employees reveals that scientific, legal and procedural concerns were raised by a number of individuals involved in the CRADA award.

¹ <https://www.haaretz.com/us-news/epa-signs-agreement-with-israeli-company-recommended-by-adelson-1.5957455>

² <https://www.timesofisrael.com/at-aipac-dershowitz-pulls-water-out-of-thin-air/>

³ https://www.opensecrets.org/527s/527cmtdetail_contribs.php?cycle=2016&ein=464501717. During that period you served in leadership positions at RAGA and its associated 501(c)(4) Rule of Law Defense Fund. Until recently, Samantha Dravis, former general counsel and policy director for RAGA, served as your senior counsel and Associate Administrator for Policy at EPA. <https://www.linkedin.com/in/samanthadravis/>

⁴ <https://www.cenews.net/stories/1060046222>

Below is a timeline of events as we understand them:

March 29, 2017: According to public copies of your calendar, you held two meetings with representatives of Water-Gen, including Maxim Pasik, its executive chairman, at the request of Sheldon Adelson. We have been informed that the company left a prototype of its water purification system in your office. An EPA official also told our staffs that you said that you wished to evaluate the technology to determine whether residents living near Superfund sites whose drinking water might be contaminated⁵ could be provided with Water-Gen systems in lieu of bottled water.

May 10, 2017: According to copies of your calendar, you met with representatives of Water-Gen.

June 13, 2017: Following a meeting at EPA that included Albert “Kel” Kelly, until recently your senior advisor, and other individuals in EPA’s Offices of General Counsel and Water, EPA’s Office of Research and Development was asked to fund a project to validate Water-Gen’s system for potential deployment in lieu of bottled water in disaster response or other scenarios because of your interest in the technology. EPA career staff did not understand what statutory authority existed for engaging in the validation of what they referred to as a “glorified de-humidifier” or “magic water machine” simply because you were interested in the technology.

June 2017: Ed Russo, the U.S. CEO of Water-Gen,⁶ delivered a prototype system to EPA’s Cincinnati Research and Development Laboratory⁷.

September 12, 2017: EPA put out a notice⁸ seeking non-federal partners for “a Cooperative Research and Development Agreement to investigate the potential use of atmospheric water generators in expanding the availability of water during shortages, contamination events, and other interruptions of service.” We have been told by current and former EPA staff that this notice was issued because EPA’s career staff were uncomfortable using EPA funds to validate a single company’s technology absent a public selection process, particularly when, by their estimation, about 70 other similar systems exist on the market.

January 2018: EPA reportedly⁹ signed¹⁰ a CRADA with Water-Gen to evaluate its water purification system, although the CRADA wasn’t publicly announced until March 2018¹¹. In addition to validating the technology, EPA career staff were instructed to undertake a comparison of the costs and operational challenges associated with using Water-Gen’s technology to those associated with using bottled water during situations when potable drinking water is not otherwise available.

⁵ <http://www.chicagotribune.com/suburbs/post-tribune/news/ct-ptb-east-chicago-one-year-later-st-0723-20170721-story.html>

⁶ <http://watergenusa.com/executive-team/edward-r-russo/>

⁷ <https://www.epa.gov/aboutepa/cincinnati-oh-lab-office-research-and-development>

⁸ <https://www.epa.gov/sciencematters/epa-research-september-12-2017>

⁹ <https://www.wsj.com/articles/sheldon-adelson-facilitated-epa-connection-for-israeli-firm-1522204212>

¹⁰ <https://www.politico.com/story/2018/03/28/sheldon-adelson-scott-pruitt-epa-447497>

¹¹ <https://www.eenews.net/stories/1060077833>

February 10, 2018: According to EPA documents obtained by our offices, several members of your Personal Security Detail, including its leader, Nino Perrotta, traveled to Israel in advance of your planned February 17, 2018 trip to Israel.

February 17-23, 2018: According to a draft itinerary of your trip to Israel obtained by our offices (attached), you and several members of your staff planned to travel there. You were scheduled to participate in a number of tours and other meetings that do not appear to directly relate to your job as EPA Administrator, including tours of the Old City of Jerusalem and several churches in Capernaum, a meeting with an Israeli Supreme Court Justice and tour of Israel's Supreme Court, and a meeting with Israeli Prime Minister Binyamin Netanyahu. You were also scheduled to participate in several meetings and tours that were related to drinking and wastewater treatment technologies and other environmental matters, including a planned public announcement of EPA's Water-Gen CRADA. The trip was cancelled, despite the fact that your advance team was already in Israel, due to revelations regarding your exorbitant spending on travel.¹²

So that we can better understand the manner in which EPA decided to fund Water-Gen's technology, as well as the role Mr. Adelson or other non-governmental officials played in the CRADA and your planned Israel trip, please provide, by close of business on May 25, 2018, the following:

1. All documents (including but not limited to emails, correspondence, memos, cost estimates, receipts for actual incurred expenses, and calendar items) related to your planned trip to Israel.
2. All documents (including but not limited to emails, correspondence, memos, cost estimates, receipts for actual incurred expenses, technical assessments or evaluations and legal analysis) related to EPA's Water-Gen CRADA or other efforts to provide funding or other support to Water-Gen.

Thank you very much for your attention to this important matter. If you or members of your staff have further questions, please feel free to ask them to contact Michal Freedhoff at the Committee on Environment and Public Works at (202) 224-8832, or Dan Dudis with Senator Whitehouse's staff at 202-224-2921.

Sincerely yours,


Thomas R. Carper
Ranking Member


Sheldon Whitehouse
United States Senator

¹² https://www.washingtonpost.com/news/energy-environment/wp/2018/02/18/under-fire-for-travel-expenses-pruitt-cancels-trip-to-israel/?utm_term=.98e9f18306ae

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US EPA Administrator, Scott Pruitt
February 17-23, 2018
ISRAEL

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<https://www3.danhotels.com/JerusalemHotels/KingDavidJerusalemHotel>

ConGen:

RSO: Jason Watson - +972-50-204-2619
Old City Guide: Olga Romanova - +972-50-209-2112
Main: +972-2-622-7230
Post One (after hours): +972-2-622-6987

Notional Schedule

Saturday, February 17

11:32 Depart DCA on UA 3478 (Pruitt, Ryan, Ferguson, Daniell, and Smith)
12:53 Arrive Newark
16:15 Depart Newark on UA 84

Sunday, February 18

09:35 Arrive Tel Aviv (Pruitt, Ryan, Ferguson, Daniell, and Smith)

February 16, 2018, 9:30 a.m. EST

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09:35 Customs Processing

10:00 Depart for King David Hotel

11:15 Arrive at King David Hotel, check in, Executive Time

14:15 Meeting with Ambassador Friedman at King David Hotel, room TBD

14:45 Depart King David Hotel for Jaffa Gate

15:00 Tour of Old City
POC: ConGen Guide Olga Romanova, +972-50-209-2112

17:15 Depart Dung Gate for King David Hotel

17:30 Arrive King David Hotel

18:00 Depart King David Hotel for Dinner, location: TBD

18:30 Dinner

20:30 Depart for King David Hotel

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23 King David St.
Jerusalem, 94101
Hotel Tel. +972-2-6208888
Website: <https://www3.danhotels.com/JerusalemHotels/KingDavidJerusalemHotel>

Monday, February 19

09:00 Depart for Meeting with retired Israeli Supreme Court Justice Elyakim Rubinstein

09:30 Meeting with retired Israeli Supreme Court Justice Elyakim Rubinstein
POC: Natatlie Kimhi, +972-50-625-5933

10:30 Tour of the Israeli Supreme Court

10:50 Depart for King David Hotel

11:20 Executive Time

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- 12:30 Working Lunch with Minister of Environmental Protection Zeev Elkin, location: Ambassador's Garden Room, King David Hotel
POC: Adam Schalimtzek, +972-50-623-3136
- *Discuss cooperation on innovative technologies, rule of law, water quality management, remediation, marine litter, and other priority areas.*
- 13:30 Delivery of GMI letter, signing of joint communique, location: Ambassador's Garden Room, King David Hotel
- 13:45 Signing Ceremony of EPA- Israeli Ministry of Environmental Protection Memorandum of Understanding with Israeli Minister of Environmental Protection Zeev Elkin, location: Reading Room, King David Hotel
POC: Gitit Pincas, +972-52-545-4661
- 14:10 Depart for Site Visit to Hagihon Jerusalem Region Water and Wastewater Utility
- 14:40 Site Visit to Hagihon Jerusalem Region Water and Wastewater Utility
POC: Dani Sosnovitch, +972-53-743-5295
- *Highlight the innovative technologies used by Hagihon and its cooperation with New York City on water issues*
- 15:45 Depart for Roundtable with Israeli Government and Private Sector Stakeholders on Environmental Rule of Law and the Knesset, location: Knesset
- 16:15 Arrive at the Knesset
- 16:30 Roundtable with Israeli Government and Private Sector Stakeholders on Environmental Rule of Law
POC: Adam Schalimtzek, +972-50-623-3136
- *Discuss opportunities to advance the rule of law on environmental matters*
- 17:30 Tour of Knesset
POC: [MFA will send this info]
- 18:00 Attend Knesset Plenary Session during which Administrator Pruitt will be recognized
- 18:30 Depart for Dinner, location: TBD
- 19:00 Dinner
- 20:30 Depart for King David Hotel
- 21:00 Arrive King David Hotel

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Tuesday, February 20

- | | |
|-------|--|
| 10:00 | Depart for Meeting with CEO of Israeli Innovation Authority (IIA), location: IAA Office in Airport City, Room: Newton 405 |
| 10:45 | <p>Meeting with Israel Innovation Authority (IIA) CEO Aharon Aharon
 POC: Les Abelson, +972-50-216-3144</p> <ul style="list-style-type: none"> • <i>To promote environmental innovation and collaboration in and between the US and Israel.</i> |
| 11:30 | Depart for Shafdan Water Recycling Plant, location: Rishon LeZion, Room: 2 nd Floor Conference Room |
| 12:00 | <p>Briefing on operations of the Shafdan Water Recycling Plant
 POC: Yossi Yaacoby, +972-50-574-8733</p> |
| 12:30 | <p>Working Lunch with Minister of Energy Yuval Steinitz, including two short presentations by Israeli water technology companies
 POC: Riki Mor, +972-50-631-2680</p> |
| 13:30 | <p>Tour of Shafdan Water Recycling Plant and Visit to Mekorot Water Technology Accelerator</p> <ul style="list-style-type: none"> • <i>Feature the "miracle" of Israel's success in wastewater recycling for irrigation</i> • <i>Share emerging work on pharmaceuticals in wastewater streams</i> • <i>Receive information on project accelerator work with U.S. cities</i> |
| 14:00 | Depart for Sorek Water Desalination Plant Site Visit, location: Visitors Center |
| 14:30 | <p>Sorek Water Desalination Plant Site Visit
 POC: Hila Koren, +972-52-429-9731</p> |
| 15:45 | Depart for Roundtable Discussion on Innovative Water Technologies hosted by Tel Aviv University, location: Itzhak Alfred Guttman Administration Bldg, Room 308 |
| 16:30 | Roundtable Discussion on Innovative Water Technologies hosted by Tel Aviv University |

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POC: Anat Halevy, +972-52-828-2886 and Zach Fenster, +972-52-748-3799

17:45	Walk to Auditorium
17:50	EPA- WaterGen Cooperative Research and Development Agreement (CRADA) Announcement
18:30	Depart for Dinner, location: TBD
19:15	Dinner
21:00	Depart for King David Hotel
22:00	Arrive at King David Hotel

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Wednesday, February 21

07:30	Depart for Nof Yam Remediation Site Visit, location: adjacent to Apollonia National Park near Hertzliya
09:15	Nof Yam Remediation Site Visit POC: Omer Cohen, +972-53-335-0757 <ul style="list-style-type: none"> • <i>Highlight current and possible future collaboration between EPA and MEP by showcasing Israeli efforts to remediate a site contaminated by military operations to convert for housing, industry and other purposes</i>
10:15	TBC - Depart for Jaffa or King David Hotel
11:00	TBC – Quick stop at Abulafia Bakery at 7 Yefet St, Jaffa
12:15	Arrive King David Hotel, Executive Time
12:30	Private Lunch TBD
14:45	Meeting with U.S. Ambassador Friedman, location: King David Hotel, room TBD

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- 15:00 Depart for Meeting with Prime Minister Benjamin Netanyahu, location: Prime Minister's Office, 3 Kaplan St, Jerusalem
- 15:20 Arrive at Prime Minister's Office
- 15:30 Courtesy Meeting with Prime Minister Benjamin Netanyahu
(with participation of US Ambassador Friedman and Minister Elkin)
POC: [MFA will send info]
- 16:30 Depart for Clean Energy Roundtable, location: King David Hotel, Olive Room
- 17:00 Clean Energy Roundtable with Ministers TBD, and Power Utility and Environmental Technology Representatives
POC: Adam Schalimtzek, +972-50-623-3136
 - *Using technology to address environmental challenges from emissions of mercury, NOx, SOx, and particulate matter*
- 18:00 Executive Time
- 18:15 Depart for Private Dinner in Old City of Jerusalem, location: Hatamid Street 6
- 18:45 Private Dinner
- 20:45 Depart for King David Hotel
- 21:15 Arrive at King David Hotel

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 King David Hotel
 23 King David St.
 Jerusalem, 94101
 Hotel Tel. +972-2-6208888
 Website: <https://www3.danhotels.com/JerusalemHotels/KingDavidJerusalemHotel>

Thursday, February 22

- 06:30 Luggage Call – all luggage must be in lobby by this time
- 07:00 Depart for Port of Haifa
- 09:00 Sustainable Ports Site Visit to the Port of Haifa
POC: Nurit Stork, 050-623-3352 and Rani Amir, 050-623-3050

February 16, 2018, 9:30 a.m. EST

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- *Highlight possible cooperation between EPA and Israeli counterparts on marine litter and sustainable ports issues by seeing the Port of Haifa's efforts to green the Port*
- *View the Port from rooftop of government building (Sail Tower) to gain an understanding of the infrastructure and environmental challenges*
- *Boat tour of the Port*

11:45 Depart for Lunch, location: Eatalino dalla Costa, Ha Aliya Ha Shinya St. 96

12:00 Lunch at Eatalino dalla Costa

13:15 Depart to Sea of Galilee, location: Capernaum and other locations

14:30 Tour of Galilee Region

- *Capernaum*
- *Church of Peter's Primacy*
- *Church of the Multiplication*
- *Church of the Beatitudes*

16:00 Depart for Dinner, location: TBD in Tel Aviv

18:15 Dinner

20:00 Depart for Tel Aviv Airport

20:45 Arrive at Tel Aviv Airport

21:10 Farewell Meeting with Minister of Environmental Protection Zeev Elkin,
location: Arbel Lounge, Ben Gurion Airport
POC: Rachel Gur, +972-50-843-8948

23:10 Depart Tel Aviv on UA 91

Friday, February 23

04:35 Arrive Newark

06:05 Depart Newark on UA 4831

07:35 Arrive IAD

February 16, 2018, 9:30 a.m. EST

Israel Do's and Don'ts

Millions of people travel to Israel each year. The Middle Eastern country relies on tourism as a major part of its economy. There is much to see in Israel, including many historical and religious sites, seemingly endless museum options, archaeological sites and even sunny beaches. Although Israel does have many similarities to the United States, a place where a large portion of the tourists in Israel come from, there are still some cultural differences that require proper etiquette from outsiders. The following dos and don'ts apply to visitors:

Do's

- **Do Use Local Greetings:** You are not likely to offend anyone in Israel by trying to use the country's traditional greeting. Just as Americans do not take offense to visitors from other countries saying "hello," you are welcome to use the Israeli greeting "shalom" when you visit. It will help you blend in with the locals. The literal translation of the traditional greeting is "peace," and it is used for both hello and goodbye across Israel.
- **Do Respect Jewish Holidays:** Respect the Jewish holiday, the Sabbath, which starts at sunset on Friday and ends at sunset on Saturday. Islamic owned businesses will be closed all day Friday and Christian businesses all day Sunday.
- **Do Respect Body Language and Personal Space:** Shaking hands is the normal way of greeting an Israeli business contact. If possible, avoid shaking with your left hand, as the left-hand is considered unclean (particularly by Arab Israelis). Personal space is much smaller in Israel than in North American and Asia, and Israelis will put a hand on your shoulder or your arm during conversation. If an Israeli invades your personal space, stay where you are. Taking a step back will offend your partner.
- **Do Ask Questions:** Be curious about the places you visit. In Israel, there is a proud culture among its citizens. They enjoy talking about their country, the sites to see, the Jewish religion and even politics. You should not shy away from talking to locals about these subjects if you are in a conversation with a person who knows all about the area.
- **Do observe dietary laws:** Remember that many Israelis have a variety of dietary laws. Inquire after them before hosting a luncheon or dinner.
- **Do leave a tip:** Israeli waiters, and Tel Aviv waiters in particular, live off tips rather than actual salaries, so tipping is very common, and quite high – at about 10-15% of the meal. In fact, tipping is so common, it would be considered very rude not to leave one. Even if the service was bad, it is customary to leave no less than 10%, and if you were happy with the service, leave around 15%. You may, in most places, ask for the tip to be included in your card payment. Note that Israelis aren't shy at all, and perhaps even too direct – the waiter will have no problem walking you out of the restaurant and ask why you didn't leave a tip.

Don'ts

- **Don't Smoke on Saturday:** Smoking is considered ill manners at certain times or in certain places in Israel. You will want to observe no-smoking signs wherever you are in Israel, but keep in mind that smoking is in direct violation of the "Shabbat," a religious day observed on Saturdays in Israel. If you can refrain from smoking that day, that's a plus. Otherwise, you should at least avoid doing it around religious places or in the presence of Orthodox Jews, who may find it offensive.
- **Don't touch an orthodox person of the opposite sex:** Orthodox Jewish laws restrict physical contact with a member of the opposite sex unless it is a close member of the family such as spouse, parent, child, or sibling. Even though there are many different observance levels, and most Israelis would have no issues at all with the matter, very Orthodox Jews make sure to keep a safe distance with a member of the opposite sex, so don't be surprised if they ask to move seats on a plane or a bus to avoid accidental touch.
- **Don't Jaywalk:** Even though it is mandatory in Israel to stop at every crossing where a person is waiting, no driver in Israel can be trusted to pay attention. The driving in Israel is a little crazy as locals are always in a rush, and not very patient. Never cross the street without carefully looking around, and make sure no one is speeding at you from both directions.
- **Don't be alarmed to see armed soldiers: everywhere:** Army service is mandatory in Israel, so each and every 18-year-old, boy or girl, will be drafted into the Israeli Defense Forces. It may be shocking at first to see armed soldiers walking down the street holding hands, enjoying lunch at a restaurant, or even sitting at the beach, but bear in mind that this is completely normal in Israel and those weapons are only there for defensive purposes.

Sources:

<http://traveltips.usatoday.com/dos-donts-visiting-israel-100873.html><http://traveltips.usatoday.com/proper-dress-code-travel-israel-106003.html>
<https://theculturetrip.com/middle-east/israel/articles/11-things-you-should-never-do-in-israel-ever/>

Dress Code

General

- Dress codes are pretty simple and are common sense in Israel, but there are a few rules to consider. Business attire for official meetings tend to be more casual and men may not wear neckties, but they will not be surprised or disturbed if USG officials wear them (high-level USG visitors do). Make sure you pack conservative clothes for visiting any religious sites. Men should not wear shorts or go without shirts around these sites. When visiting Jewish shrines or memorials, it is also proper for men to cover their heads. Often there will be a complimentary yarmulke, a small skullcap, available to visitors who need to cover their heads. Women should not dress in anything that exposes bare legs or shoulders while visiting a holy site.

Ultra-Orthodox Jewish Neighborhoods

- Some Israeli cities house neighborhoods with strong ultra-Orthodox beliefs. If you plan to visit one of these neighborhoods, Meah She'arim in West Jerusalem is an example, ensure you are dressed appropriately. For men, this means not wearing shorts, but for women the list of requirements is longer. Female travelers should avoid wearing trousers or jeans – select a long skirt, ideally well below the knee, and a blouse that covers your shoulders and upper arms. The U.S. State Department warns that people failing to dress appropriately in these neighborhoods may be assaulted, stoned or spat on.

Arabic Neighborhoods

- The West Bank, Old Jerusalem and East Jerusalem are all societies dominated by an Arabic value system. Again, this has an impact on the styles of dress considered appropriate. Never wear shorts or an outfit that leaves your midriff bare – in Arabic society this is considered unacceptable. Women traveling alone should only visit these areas with a companion, ideally male, because cultural values are such that Muslim women rarely go out by themselves.

Religious Sites

- It's always wise to dress modestly if you plan to visit religious sites, whether they are Christian, Jewish or Islamic. Both men and women should avoid wearing shorts or tops with short sleeves or that leave the midriff exposed. At Jewish places of worship, men should keep their heads covered, but no hat or head covering is needed in a Christian church. If you are in doubt, ask before entering the building

Sources:

<http://traveltips.usatoday.com/dos-donts-visiting-israel-100873.html><http://traveltips.usatoday.com/proper-dress-code-travel-israel-106003.html>

6/18/2018

Scott Pruitt Made Public Servants Fetch His Protein Bars and Greek Yogurt



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PHOTO ILLUSTRATION BY THE DAILY BEAST

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SWEET TOOTH

SCOTT PRUITT MADE PUBLIC SERVANTS FETCH HIS PROTEIN BARS AND GREEK YOGURT

[◀ HOMEPAGE](#)

<https://www.thedailybeast.com/scott-pruit-made-public-servants-fetch-his-protein-bars-and-greek-yogurt>

2/7

6/18/2018

Scott Pruitt Made Public Servants Fetch His Protein Bars and Greek Yogurt

The administrator prefers pour-over coffee and Dean & DeLuca finger foods, and expects public servants to provide him with them.

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<https://www.thedailybeast.com/scott-pruit-made-public-servants-fetch-his-protein-bars-and-greek-yogurt>

3/7

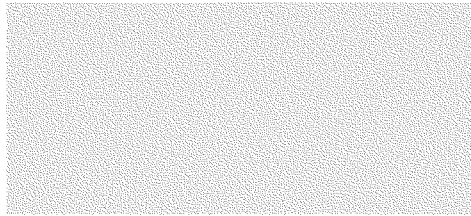
8/18/2018

Scott Pruitt Made Public Servants Fetch His Protein Bars and Greek Yogurt

If you've worked for Scott Pruitt, there's a not-insignificant chance that you have fetched him his favorite junk—and health!—food while on the job.

According to four sources familiar with the work environment at the Environmental Protection Agency, its scandal-plagued EPA administrator has regularly sent his subordinates out during the workday to pick up his favorite snacks and treats. Pruitt has been known to send staffers on these errands at least twice a week, with some sources describing his demands as “constant,” and others merely noting that he does this “frequently.”

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“I can’t tell you how many times I was sent out to get protein bars on the orders of [Pruitt],” one person told The Daily Beast.

Beyond the protein bars, Pruitt also has a well-known sweet tooth, and often tells staffers to make a grocery run to get his preferred sweets, cookies, and Greek yogurt, among other items, sources say.

[◀ HOMEPAGE](#)
<https://www.thedailybeast.com/scott-pruitt-made-public-servants-fetch-his-protein-bars-and-greek-yogurt>

4/7

6/18/2018

Scott Pruitt Made Public Servants Fetch His Protein Bars and Greek Yogurt

Pruitt's tastes in snacks are rather refined, according to former aides. He is particularly fond of finger food from the upscale eatery Dean & DeLuca, according to a former EPA official. Pruitt is also particular about his coffee tastes, the former official said, and would often direct an aide to brew him pour-over coffee, which he prefers to more run-of-the-mill brewing methods.

An agency spokesperson declined to comment directly on this story. "EPA will not be commenting on anonymous sources who are working to distract Americans from Administrator Pruitt's accomplishments on regulatory certainty and environmental stewardship," the spokesperson told The Daily Beast in an emailed statement.

Pruitt's use of official resources to run personal errands is just the latest in a long string of controversies that have dogged his tenure as the nation's top environmental regulator. On Thursday, the *Washington Post* reported that Pruitt has also tasked his security detail with personal tasks such as picking up his dry cleaning and fetching him hand lotion that is apparently available only at Ritz Carlton hotels.

RELATED IN POLITICS



House Dems Seek Criminal Investigation into Scott Pruitt



Lobbyist Pitched Scott Pruitt a Meeting With NatGeo Exec



Scott Pruitt Is a Wart on the Trump Administration

Also this week, emails obtained through the Freedom of Information Act by the Sierra Club, an environmentalist group, showed a top Pruitt aide seeking a used mattress for the administrator from the Trump International Hotel in Washington.

[◀ HOMEPAGE](#)

<https://www.thedailybeast.com/scott-pruitt-made-public-servants-fetch-his-protein-bars-and-greek-yogurt>

5/7

6/18/2018

Scott Pruitt Made Public Servants Fetch His Protein Bars and Greek Yogurt

and inquiring about the purchase of a Chick-fil-A franchise on Pruitt's wife's behalf. That aide, Millan Hupp, resigned this week.

Such practices have drawn the ire of ethics watchdogs, who balk at top government official using his official staff to run these types of personal errands. Stories like this one, however, are nothing new for Donald Trump's EPA administrator, who has managed to survive intense scrutiny of his spending on first class airfare, and his one-time accommodations in a Capitol Hill house owned by the wife of an energy lobbyist.

Nevertheless, Pruitt maintains the support of the president, at least publicly. But multiple current and former administration officials told The Daily Beast that morale on Pruitt's staff is currently in the pits.

One source described the work environment as a "hell hole," where many staffers, some of whom had been eyeing the exits for months, have now bolted, and several still remaining are quietly looking for other jobs. In addition to Hupp, Sarah Greenwalt, a senior counselor to Pruitt, resigned this week.

As Pruitt has become increasingly isolated in his position—with numerous White House senior officials, including Chief of Staff John Kelly, wishing him gone as soon as possible—multiple sources said that the EPA chief continues to share a familiar trait with his boss—a refusal to say, "I'm sorry."

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In the months since the deluge of negative news stories and revelations began, sources familiar all told The Daily Beast that Pruitt hasn't convened a meeting of staffers to apologize for what he has put them through, or thanked them for their work defending him publicly and privately.

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6/19/2016

Scott Pruitt Made Public Servants Fetch His Protein Bars and Greek Yogurt

In private conversations with groups of staffers, Pruitt is known to talk largely about himself.

"Narcissist," one former administration official bluntly assessed.

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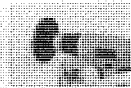
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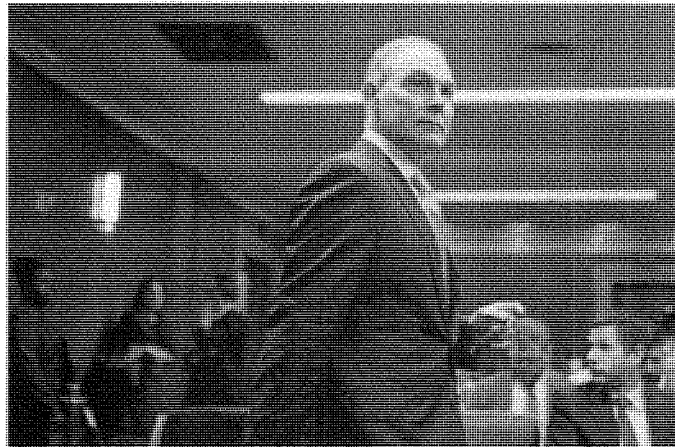
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Aide Sought a New Apartment for Scott Pruitt, and an 'Old Mattress' From Trump Hotel - The New York Times



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<https://www.nytimes.com/2018/06/04/climate/pruitt-epa-apartment-aide.html>[6/18/2018 12:08:33 PM]



regarding, such as the use of agency resources for a personal apartment, having her help him search for an apartment as well as to try to procure a used mattress from the Trump International Hotel, congressional transcripts show.

The aide, Millan Hupp, who serves as Mr. Pruitt's scheduling director, also helped Mr. Pruitt obtain tickets to last year's Rose Bowl football game. The details came from a partial transcript of an interview Ms. Hupp gave last month to congressional investigators, who are looking into Mr. Pruitt's first-class travel, spending on security and other management decisions at the E.P.A.

The partial transcript was released Monday when Democrats on the House Oversight Committee wrote a letter to Representative Trey Gowdy, the Republican chairman, asking him to subpoena documents from the E.P.A. regarding Ms. Hupp's real estate work.

At the time Ms. Hupp was apartment-hunting for Mr. Pruitt, the administrator was living in, but being urged to leave, a Capitol Hill condo he was renting from the wife of a lobbyist who had business before the E.P.A. Mr. Pruitt paid \$50 a night when he was not traveling to live in the unit.

In the letter, the ranking Democrats on the oversight panel, Representatives Elijah E. Cummings of Maryland and Gerald E. Connolly of Virginia, accused Mr. Pruitt of "multiple abuses of authority" by using agency staff for personal assignments.

Federal ethics standards prohibit such personal assistance by a subordinate, even if the employee is working outside of office hours, as Ms. Hupp said to investigators that she did. One provision bans the use of government time to handle personal matters. A second provision prohibits bosses from asking

Aide Sought a New Apartment for Scott Pruitt, and an 'Old Mattress' From Trump Hotel - The New York Times

employees to handle personal matters for them outside of the office.

“Directing or coercing a subordinate to perform such activities during nonduty hours constitutes an improper use of public office for private gain,” according to the Standards of Ethical Conduct for Employees of the executive branch.

Asked on Monday about Ms. Hupp’s mattress-shopping on behalf of Mr. Pruitt, Sarah Huckabee Sanders, the White House press secretary, said the administration is “certainly looking into the matter.” She added, “I couldn’t comment on the specifics of the furniture used in his apartment.”

Mr. Pruitt, during a Senate hearing in May, acknowledged that Ms. Hupp did unpaid work for him by searching for new housing on her personal time. Ms. Hupp told investigators that she performed the errands for Mr. Pruitt on lunch hours, evenings and vacations.

She also said she did not use her official E.P.A. email to conduct Mr. Pruitt’s personal business. However, documents released to the Sierra Club under the Freedom of Information Act suggest otherwise.

In one exchange, in July, Elizabeth Tate Bennett, an E.P.A. senior deputy associate administrator, introduced Ms. Hupp to a Capitol Hill real estate agent, John Walker, describing Mr. Walker as someone who “places members of Congress in homes on the hill regularly.”

Ms. Hupp, she told the real estate agent, would like to “get coffee with you as well regarding the other matter we discussed previously.”

Reached by phone Monday, Mr. Walker acknowledged the emails and said he ultimately didn’t work with Ms. Hupp or Mr. Pruitt. “Never met with either one of them, never showed them any places,” he said.

As for the mattress, it remains unclear why Mr. Pruitt wanted it or whether he ultimately purchased one. On September 14, Ms. Hupp sent an email to the general manager of the Trump International Hotel in Washington with the subject line “Inquiry on behalf of EPA Administrator Scott Pruitt.”

Asked about the note, Ms. Hupp told House investigators, “I do not recall

Aide Sought a New Apartment for Scott Pruitt, and an 'Old Mattress' From Trump Hotel - The New York Times

sending this email, but I do recall there being discussions about the possibility of securing an old mattress from the Trump Hotel.”

“Discussions with who?” the investigators asked.

“With the administrator,” Ms. Hupp replied. “I don’t recall specifically, other than he had expressed interest in securing a mattress.”

Ms. Hupp said she did not remember more of the interaction with the Trump Hotel, including whether a mattress was ever purchased.

Amanda Gonzalez, a spokeswoman for Mr. Gowdy, on Monday criticized the decision by Democrats to release part of Ms. Hupp’s statements. “Selectively releasing portions of witness interview transcripts damages the credibility of our investigation and discourages future witnesses from coming forward,” she said. “The Committee will continue conducting a serious, fact-driven investigation, and therefore will wait until the conclusion of our investigation to release our findings.”

Ms. Gonzalez did not respond when asked if Mr. Gowdy would support using his subpoena power. The Democrats cannot issue one on their own.

Jahan Wilcox, a spokesman for the E.P.A., said in a statement, “We are working diligently with Chairman Gowdy and are in full cooperation in providing the Committee with the necessary documents, travel vouchers, receipts and witnesses to his inquiries.” He declined to provide information about the mattress.

Robert Weissman, the president of Public Citizen, a nonprofit ethics group, said that Mr. Pruitt’s reliance on Ms. Hupp was a violation of federal ethics rules. “Pruitt apparently believes the agency is at his service to attend to his personal needs, whims and desires for luxurious accommodations,” Mr. Weissman said. “Usually public servants think they are working for the public.”

Mickael Damelin court, the managing director at the Trump International Hotel in Washington, Mary Hapner, a former aide to Mr. Damelin court who has since left the company, and Noelle Zielinski, a spokeswoman at Trump Organization

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in New York, each declined to comment on the inquiry by Ms. Hupp about the mattress.

A version of this article appears in print on Page A15 of the New York edition with the heading: Pruitt Used Aide to Seek an Apartment and an 'Old Mattress' From Trump Hotel. Order Reports | Today's Paper | Subscribe



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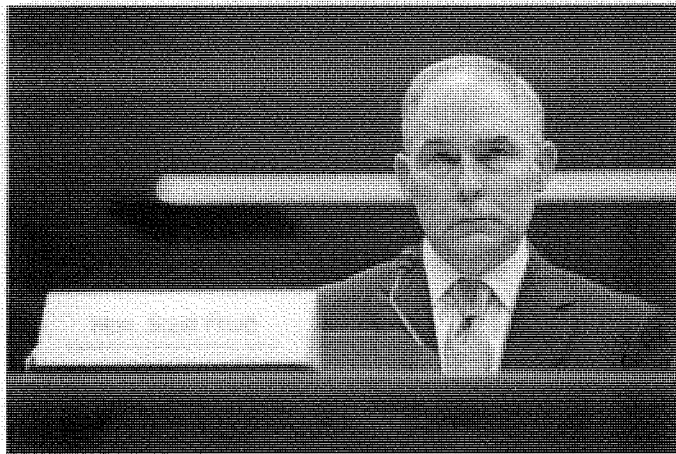
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For Pruitt Aides, the Boss's Personal Life Was Part of the Job - The New York Times



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Scott Pruitt, the Environmental Protection Agency's administrator. Staff members said they felt pressured.

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to assist him with nonwork matters and help obtain favors for his family. <https://www.nytimes.com/2018/06/15/us/politics/scott-pruitt-epa-aides.html>



interviews with four current and former E.P.A. officials who served as top political aides to Mr. Pruitt.

The officials said that Mr. Pruitt, who “had a clear sense of entitlement,” in the words of one of them, indicated that he expected staff members’ assistance with matters outside the purview of government, including calling on an executive with connections in the energy industry to help secure tickets to a sold-out football game in January at the Rose Bowl.

The aides said the administrator — who is the subject of multiple investigations over ethics and other issues, but has been defended by President Trump as a champion of environmental deregulation — had also made it clear that he had no hesitation in leveraging his stature as a cabinet member to solicit favors himself.

At least three E.P.A. staff members were dispatched to help Mr. Pruitt’s daughter, McKenna, obtain a summer internship at the White House, the current and former staff members said.

Kevin Chmielewski, who was Mr. Pruitt’s deputy chief of staff for operations until February, recalled a conversation last year when Mr. Pruitt instructed him and other top aides to “see what you can do” about getting the internship, a highly competitive and prized post in Washington. Ms. Pruitt was selected as an intern last summer.

“We were constantly fielding requests like this, even though this had nothing to do with running the E.P.A.,” Mr. Chmielewski, one of the four political aides, said in an interview.

For Pruitt Aides, the Boss's Personal Life Was Part of the Job - The New York Times

Jahan Wilcox, Mr. Pruitt's spokesman, disputed the suggestion that aides played an inappropriate role in securing the internship and that the administrator expected them to help boost his and his family's standing.

Mr. Chmielewski left the E.P.A. after falling out with Mr. Pruitt, but the three other aides confirmed the internship request, as well as multiple other personal directives from their boss described by Mr. Chmielewski. They said Mr. Pruitt told them that he expected a certain standard of living akin to wealthier Trump cabinet members. The aides felt as if Mr. Pruitt — who is paid about \$180,000 a year — saw them as foot soldiers in achieving that lifestyle.

"The problem is he is not Trump — he is not a billionaire," said one of the other aides, who spoke on the condition that they not be named. "But he sincerely thinks he is."

Mr. Trump, taking questions from reporters on Friday, suggested Mr. Pruitt's stewardship of the E.P.A. was paramount. "I'm not happy about certain things, but he's done a fantastic job running the E.P.A., which is very overriding," the president said.

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Kevin Chmielewski was Mr. Pruitt's deputy chief of staff for operations. He said aides were "constantly fielding requests" that "had nothing to do with running the E.P.A." Mark Makela for The New York Times

The aides said E.P.A. staff members helped arrange meetings and phone calls for Mr. Pruitt with influential donors to his past campaigns and political causes in Oklahoma, where he served as a state lawmaker and attorney general before joining the Trump administration. The appointments — including with Philip Anschutz, a Denver-based billionaire — were kept off Mr. Pruitt's public schedule, the aides said, because it was clear the sessions were not about E.P.A. business, even though agency staff was involved in setting them up.

Aides have also been deployed on missions related to Mr. Pruitt's personal entertainment.

One aide, Millan Hupp, helped book his travel to the Rose Bowl in Pasadena, Calif., where Mr. Pruitt had secured seats near the 50-yard line for the face value of \$175 each, documents show. The tickets, for Mr. Pruitt and his wife and two children, were purchased five days before the sold-out New Year's Day game this year.

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Mr. Pruitt bought the tickets, the records show, from a special allotment for the University of Oklahoma, which appeared in the game against the University of Georgia. Tickets for equivalent seats were on sale on the secondary market for as much as seven times the price Mr. Pruitt paid, data from two ticket companies show.

He obtained the tickets with the help of Renzi Stone, an Oklahoma university regent who runs Saxum, a large marketing firm with energy industry clients that have included the American Petroleum Institute and G.E. Oil and Gas.

Mr. Stone, in an email to The New York Times, confirmed that he had intervened on Mr. Pruitt's behalf to help "navigate the purchase of tickets."

"He asked. I was happy to assist," Mr. Stone wrote, adding that he had known Mr. Pruitt since 2001 and considered him a friend.

He later wrote on Twitter that Mr. Pruitt had inquired about the tickets through an aide.

In a letter on Thursday, Representative Elijah E. Cummings, the top Democrat on the House Oversight and Government Reform Committee, asked Mr. Stone to provide any communication with Mr. Pruitt, as well as any documentation pertaining to the purchase of the Rose Bowl tickets. He also wrote that at least one of Mr. Stone's clients had regulatory matters pending before the E.P.A.

"Plains All American Pipeline," Mr. Cummings said in his letter, "currently has a petition before the E.P.A. to discharge hydrostatic test water from a pipeline in Corpus Christi, Texas." Mr. Stone said on Twitter that "we don't do any work for clients at E.P.A." and would be responding to Mr. Cummings. A spokesman for Plains All American Pipeline said its association with Saxum ended last November.

Mr. Wilcox, the E.P.A. spokesman, said in an email that Mr. Cummings "is misconstruing the facts." Mr. Stone "simply connected Pruitt to the athletic department," he said. "Pruitt purchased the tickets at face value from the OU athletic department. To report otherwise, is false."

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The political aides said that Mr. Pruitt's desire to use his job for benefits unrelated to his E.P.A. work helped explain other actions that have been the subject of public scrutiny, including his first-class airline travel, an aide's effort to help Mr. Pruitt's wife get work with a conservative political group, and another aide's intervening with the chief executive of the Chick-fil-A fast-food chain to help his wife set up a franchise, as The Washington Post first reported.

Mr. Pruitt's repeated requests of his staff have led some important backers, including Senator James Inhofe, Republican of Oklahoma, to suggest that Mr. Pruitt may have crossed the line and should perhaps step down.

Mr. Pruitt's staff helped arrange a meeting with Philip Anschutz, a billionaire Republican fund-raiser.
Kenneth N. O'Rourke/Reuters, Getty Images

"I'm afraid my good friend Scott Pruitt has done some things that really surprised me," Mr. Inhofe told Laura Ingraham, a conservative television and radio host, this week. "If that doesn't stop I'm going to be forced to be in a position where I say, 'Scott, you're not doing your job.'"

Questions about Mr. Pruitt's behavior as administrator have led to at least a dozen investigations across the federal government. The newest inquiry, by the Office of Special Counsel, an independent federal investigative and prosecutorial agency, is examining Mr. Pruitt's personnel practices and allegations that he may have used his E.P.A. office for political purposes, people with knowledge of the investigation said. At least two former E.P.A. officials said investigators had contacted them.

As Oklahoma's attorney general, Mr. Pruitt earned an annual salary of about \$133,000, and he had assets between \$320,000 and \$800,000, mostly in investment accounts, according to his disclosure documents. That included between \$15,000 and \$50,000 in a cash account. He reported a public employee's retirement plan worth \$100,000 to \$250,000. His wife reported no income.

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He also said he owed between \$500,000 and \$1 million on his \$1.18 million home in Tulsa.

The requests to his staff for assistance began on his arrival in Washington, the four political aides said.

Mr. Pruitt and his daughter lived at first in a Capitol Hill condominium that Mr. Pruitt rented for \$50 a night, even as the husband of the unit's co-owner lobbied Mr. Pruitt on behalf of clients. Mr. Pruitt later pressed a political aide to help him find a new apartment, which he then complained was too noisy.

Finding work for the administrator's wife, Marlyn, also became a top focus for agency workers, the current and former aides said.

Despite efforts by a scheduler for Mr. Pruitt, a deal for a Chick-fil-A franchise did not materialize for Mrs. Pruitt. But a spokesman for Judicial Crisis Network, a dark-money group that helps get conservative judges named to federal courts, hired Mrs. Pruitt last fall after her husband's aides and a longtime supporter intervened, agency staff members who worked on the effort said.

Mr. Pruitt's interest in meeting with former political donors, the current and former aides said, was based on expectations that he might want to run for the United States Senate or some other office.

During a trip to Colorado last August, Mr. Pruitt reserved time for a meeting with Mr. Anschutz in what was listed only as a "private meeting." Ryan Jackson, Mr. Pruitt's chief of staff, helped set up the meeting, according to agency officials.

Mr. Chmielewski, the former deputy chief of staff, said that when he arrived at the office of Mr. Anschutz, a major Republican fund-raiser and owner of the Oklahoman newspaper, he questioned why the meeting would be among the administrator's visits that day. Mr. Chmielewski said an agency colleague told him it was about fund-raising.

Mr. Wilcox said Mr. Pruitt was allowed to set up personal meetings during his

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trips. A spokesman for Mr. Anschutz declined to comment.

Mr. Pruitt with his wife, Marilyn. Staff members said that finding work for her became a major focus.
Associated Press

Mr. Pruitt also had his staff include various sporting events in his schedule, which involved bringing his considerable E.P.A. security detail with him, the current and former aides said.

Among the sporting events aides helped arrange for Mr. Pruitt to attend were two Washington Nationals baseball games, including one on July 5, when they negotiated access for Mr. Pruitt to the team's batting practice before a scheduled matchup with the New York Mets, according to emails obtained by the Sierra Club.

"Thanks for taking my call this morning! If we could arrange for Administrator Pruitt to come to batting practice before July 5th's game, that would be wonderful!" Madeline Morris, then an E.P.A. aide, wrote in an email to the Nationals' vice president for community engagement, Gregory McCarthy.

Emails show that Mr. Pruitt's wife and two children also planned to attend the July game, and that E.P.A. officials coordinated security arrangements and a motorcade with the Nationals' staff. The game was postponed because of inclement weather, and it is unclear whether Mr. Pruitt attended another game instead. Jennifer Giglio, a spokeswoman for the Nationals, declined to comment.

Mr. Pruitt did score free tickets — for himself, his wife and his chief of staff — to a Sept. 28 Nationals game against the Pittsburgh Pirates, according to a spokesman for Gov. Gary Herbert of Utah, who provided the tickets and said he used the game as a chance to discuss a Superfund cleanup project at a shuttered gold mine in his state.

"The two sat side by side for a few innings and discussed the Gold King Mine issues," Paul Edwards, a spokesman for the governor, said in a statement.

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Last fall, Mr. Pruitt was on hand for at least three home games in Norman, Okla., as the University of Oklahoma's football team steamrolled its way to a conference championship, university records show.

Days before a game in mid-September against Tulane University, an E.P.A. staff member wrote the campus police requesting four passes for Mr. Pruitt's security detail.

The university provided documentation showing that Mr. Pruitt paid face value for two tickets for three home games. It also acknowledged that Mr. Pruitt was given special access to a group of 750 reserved tickets at the Rose Bowl. "Mr. Pruitt purchased his tickets from a block of tickets that the university holds for discretionary use at all of its teams' games," the university said in a statement.

Mr. Pruitt on Thursday evening demonstrated how he had kept Mr. Trump, at least until now, focused on his business-friendly agenda at the E.P.A., not his personal behavior and various investigations. On Twitter, [he posted a photograph](#) of himself sitting at Mr. Trump's desk at the White House, announcing that the E.P.A. had just rolled back another Obama-era regulation, a clean water rule.

"Happy birthday, Mr. President!" he added.

Correction:

An earlier version of this article included an item that erroneously described Scott Pruitt's use of his position at the Environmental Protection Agency for personal matters. While a Virginia lawmaker, William Howell, said he wrote a letter of recommendation to the University of Virginia Law School on behalf of Mr. Pruitt's daughter, McKenna, he actually wrote it while Mr. Pruitt was the attorney general of Oklahoma. After publication of the article, additional research by a legislative aide, Mr. Howell said, showed he had incorrectly stated the date of the letter, which he said was actually written on Nov. 1, 2016, more than three months before Mr. Pruitt was confirmed as E.P.A. administrator, in February 2017. The law school, which had declined to comment for the article because of privacy concerns, issued a statement on Saturday saying Ms. Pruitt had given the school permission to confirm that

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she had been offered early admission in late November 2016 and that the “application was evaluated according to our usual admissions procedures.” The material about Ms. Pruitt’s application has been removed from the article.

Eric Lipton and Lisa Friedman reported from Washington, and Steve Eder and Hiroko Tabuchi reported from New York. Coral Davenport contributed reporting from Washington.

A version of this article appears in print on , on Page A1 of the New York edition with the headline: Getting Closer to Trump and Family Was Part of Job, Aides Say. Order Reprints | Today's Paper | Subscribe



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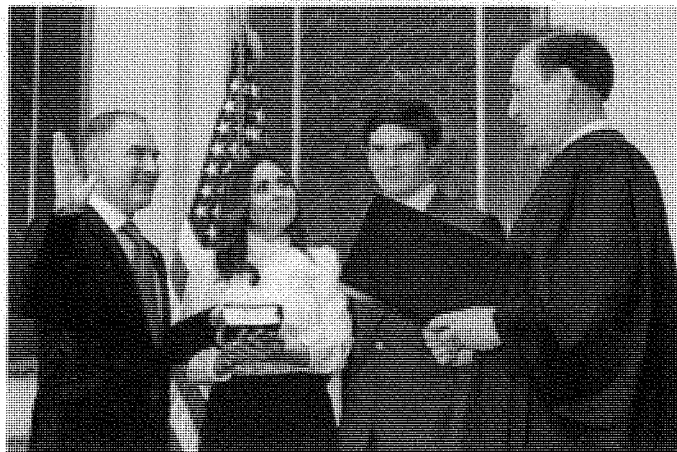
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political aide the task of helping him seek a "business opportunity" for his wife with the fast-food chain Chick-fil-A.

Emails released to the Sierra Club under the Freedom of Information Act show that Sydney Hupp, a former scheduler for Mr. Pruitt, contacted Chick-fil-A's chief executive, Dan T. Cathy, in May 2017 at Mr. Pruitt's behest to set up a meeting.

After a back-and-forth in which Ms. Hupp initially said the administrator "didn't mention a specific topic" of discussion, she told the company's director of regulatory affairs that Mr. Pruitt's request was of a personal nature. "The Administrator would like to talk about a potential business opportunity with Mr. Cathy. Nothing very pressing, just hoping to connect sometime in the next month or so," Ms. Hupp wrote.

Mr. Pruitt ultimately spoke by phone with Chick-fil-A representatives.

Mr. Cathy, reached by phone, referred questions to a company spokeswoman, Carrie Kurlander. Ms. Kurlander said she would not comment further. In an email to The Washington Post, which first reported Mr. Pruitt's effort to seek a business deal with Chick-fil-A, Ms. Kurlander had said the call was about the possibility of Mr. Pruitt's wife, Marlyn, opening a franchise of the fast food chain. Ms. Kurlander told the Post that Mrs. Pruitt never completed the franchisee application.

Jahan Wilcox, a spokesman for the E.P.A., did not respond to a request for comment.

Michael Brune, the Sierra Club's executive director, said in a statement that Mr.

Scott Pruitt Sought 'Business Opportunity' With Chick-fil-A While Leading E.P.A. - The New York Times

Pruitt had been engaged in “unethically and illegally seeking personal benefits because of the job Donald Trump has entrusted him with.”

The revelation that Mr. Pruitt asked an E.P.A. employee to help coordinate efforts to seek a personal business opportunity comes amid a wave of investigations into the administrator’s spending and management decisions including his first-class travel and spending on security, as well as his decision last year to accept a \$50-a-night lease on a condominium from the wife of a lobbyist with business before his agency. Currently Mr. Pruitt faces 12 federal investigations.

It also comes on the heels of a transcript released by Democrats on the House Oversight Committee, one of the bodies investigating Mr. Pruitt, showing that he tasked Ms. Hupp’s sister, Millan Hupp, with personal errands including procuring a used mattress from the Trump International Hotel in Washington.

In addition, Millan Hupp, who currently serves as Mr. Pruitt’s scheduler, arranged personal travel for the administrator, including to the Rose Bowl game in California. She also went apartment hunting for him when he was moving out of the lobbyist’s condo on Capitol Hill. Federal ethics standards prohibit such personal assistance by a subordinate, even if the employee is working outside of office hours.

The news prompted outrage from Democrats on Capitol Hill as well as some Republicans. Senator James Inhofe of Oklahoma, who has been Mr. Pruitt’s longtime political patron, told CBS News that if the details proved to be accurate, “it would not be a good thing.”

Sarah Huckabee Sanders, the White House press secretary, said Tuesday she had not spoken with President Trump about Mr. Pruitt’s dealings with Chick-fil-A. “We continue to have concerns and look into those, and we’ll address them,” she said of the earlier ethics questions that have been raised about Mr. Pruitt’s oversight of the agency.

Larry Noble, a former general counsel at the Federal Election Commission, said if Mr. Pruitt used the power of his office to seek a personal benefit for his wife, that could be a crime. But because Mrs. Pruitt apparently did not follow through

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with the venture, it might not be prosecuted as such, he said.

Having a subordinate like Millan Hupp perform personal duties, paid or unpaid, violates civil statutes, Mr. Noble said. “The problem with it is, when you are somebody’s superior there’s always the danger of coercion,” he said. “You don’t have them wash your car. You don’t have them walk your dog. And you don’t have them try to buy a used mattress from a hotel.”

A version of this article appeared in print on Jan. 16, 2017, at the New York Times, along with the headline: “P. A. of E.P.A. Sought Corporate Jobs, Chick-Fil-A, Business Deal.” Order Reprints | Today's Paper | Subscribe



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Pruitt enlisted security detail in picking up dry cleaning, moisturizing lotion - The Washington Post



Energy and Environment

Pruitt enlisted security detail in picking up dry cleaning, moisturizing lotion

By Juliet Eilperin, Josh Dawsey and Brady Dennis June 8 [Email the author](#)



This post has been updated.

Environmental Protection Agency Administrator Scott Pruitt asked members of his 24/7 security detail to run errands for him on occasion, including picking up his dry cleaning and taking him in search of a favorite moisturizing lotion, according to two individuals familiar with those trips who spoke on the condition of anonymity to talk frankly.

Pruitt, who also has enlisted agency staffers in tasks including apartment hunting and securing a mattress for his personal use, faces congressional scrutiny over an expanding number of spending and management decisions.

https://www.washingtonpost.com/...pruitt-enlisted-security-detail-in-picking-up-dry-cleaning-moisturizing-lotion/?utm_term=.429b7766227[6/18/2018 12:12:56 PM]

Pruitt enlisted security detail in picking up dry cleaning, moisturizing lotion - The Washington Post

Federal rules bar public officials from receiving gifts from subordinates, including unpaid services, and from using their office for private gain.

Asked about the specific errands his security detail ran on his behalf, the EPA issued only a brief statement Thursday. "Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity," spokeswoman Kelsi Daniell said.

Since he became EPA chief in February 2017, Pruitt has received round-the-clock protection. The agency has defended such coverage as necessary because of an unprecedented number of threatening comments, such as one from a group that this week tweeted out his home address in Tulsa. But a recent letter from the EPA's Office of Inspector General and emails obtained by The Washington Post suggest Pruitt was more concerned about being shielded from public anger over the president's policies.

EPA staffers also cited security concerns in explaining why Pruitt switched to flying first class after an individual approached him in an airport last year and used vulgar language. The administrator said he left decisions about his protective detail to his agents, though he returned to flying coach earlier this year.

The protective detail cost taxpayers nearly \$3.5 million during Pruitt's first year on the job, according to EPA data, and is roughly triple the size of those of his immediate predecessors.

While EPA security agents are required to protect Pruitt at all times — while he is working and during his off hours — the two individuals said the administrator had asked members of the detail to perform tasks that go beyond their primary function. In one instance, they said, he directed agents to drive him to multiple locations in search of a particular lotion on offer at Ritz-Carlton hotels.

One other occasions, they added, he asked agents to pick up his dry cleaning without him.

The top Democrat on the Senate Environment and Public Works Committee, Sen. Thomas R. Carper (D-Del.), reiterated his call that Pruitt step down.

"Americans deserve an EPA administrator who will work to carry out the agency's mission to protect the public's health and our environment," Carper said. "Instead, Mr. Pruitt is using this critical agency to do his personal bidding on the taxpayers' dime. Americans are fed up. Enough is enough."

Carper and fellow Senate Democrats Tom Udall (N.M.) and Sheldon Whitehouse (R.I.) wrote the EPA inspector general on Thursday to request that he add to his current probes and examine Pruitt's efforts last year to help his wife secure work, including a franchise with the fast-food chain Chick-fil-A.

The Washington Post reported Tuesday that the administrator had his scheduler email the company's chief executive last May to request a meeting with Pruitt on "a potential business opportunity." The two men never got together, but Pruitt did speak with someone from the company's legal department, revealing his interest in Marlyn Pruitt becoming a Chick-fil-A franchisee.

She started but never completed the franchise application.

The Democrats are not the only ones seeking the inspector general's review of that episode. The Campaign Legal Center, a nonpartisan nonprofit group, wrote Inspector General Arthur Elkins Jr. on Friday to say that Pruitt's behavior "constitutes a misuse of his position for his family's private financial gain."

Pruitt's use of his subordinates to perform unofficial duties has already caused upheaval within the agency. Earlier this week, the EPA's director of scheduling and advance, Millan Hupp, gave notice of her departure; her

Pruitt enlisted security detail in picking up dry cleaning, moisturizing lotion - The Washington Post

last day will be Friday. Hupp helped search for multiple apartments for the administrator over a period of months, booked his private travel and inquired about the availability of a mattress at discounted cost from the Trump International Hotel in Washington.

A second top Pruitt aide, senior adviser Sarah Greenwalt, informed colleagues on Wednesday that she also is leaving the EPA and returning to Oklahoma for work at a state agency.

Julie Tate contributed to this report.

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Two of Pruitt's top aides, also facing scrutiny, are leaving the EPA

Pruitt enlisted an EPA to get his wife a job-at Chick-fil-A

Pruitt's aide searched for a Trump hotel mattress for him, on government time

Juliet Eilperin is The Washington Post's senior national affairs correspondent, covering how the new administration is transforming a range of U.S. policies and the federal government itself. She is the author of two books — one on sharks and another on Congress, not to be confused with each other — and has worked for The Post since 1998. [Follow @eilperin](#)

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EPA chief sat in coach when not flying on taxpayer's dime



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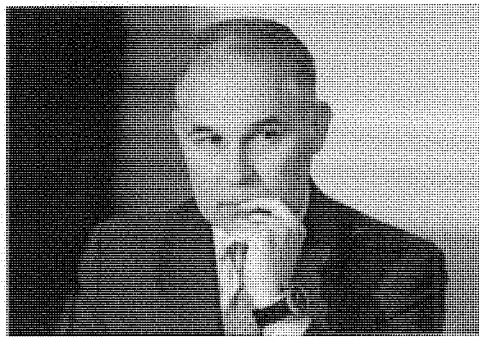
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WASHINGTON (AP) — Environmental Protection Agency Administrator Scott Pruitt flew in coach-class seats on at least two trips home to Oklahoma when taxpayers weren't footing the bill, despite claims he needed to travel in first class at government expense because of security threats.

Copies of Pruitt's official schedule released this week following a public records request show flights made in August and October to Tulsa on Southwest Airlines, a budget carrier that doesn't offer premium-class seats.

The Associated Press reported earlier this month that an EPA official said the administrator sat in coach on personal flights to watch college football games using a companion pass obtained with frequent flyer miles accrued by Ken Wagner, a former law partner Pruitt hired as one

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EPA chief sat in coach when not flying on taxpayer's dime

of his senior advisers at EPA. The official spoke on condition of anonymity citing fear of retaliation.

Pruitt's full-time security team still accompanied him on the trips to Oklahoma, with their travel expenses still borne by taxpayers. The EPA administrator has said the agency's security officials determined that he should fly in first class during government trips following "unpleasant interactions" with other airline passengers.

Asked Wednesday about the records reviewed by AP, EPA spokesman Jahan Wilcox said "the same security procedures are followed whether Administrator Pruitt is on official or personal travel." Wilcox did not directly respond to why Pruitt didn't need to fly in first class on the personal flights.

EPA ethics lawyer Kevin Minoli also confirmed for the first time that Pruitt flew on a companion pass during the personal flights, reimbursing Wagner for a \$5.60 airline fee and half the cost of the adviser's ticket. The agency did not disclose the original cost of Wagner's ticket or whether he paid for it with frequent flyer miles.

Minoli added that EPA ethics officials are now consulting with the Office of Government Ethics to determine "whether any additional steps needed to be taken to ensure full compliance with the ethics requirements."

Former Office of Government Ethics director Walter Shaub said Wednesday the companion tickets provided to Pruitt likely violated a federal prohibition that bars officials from accepting gifts from their subordinates exceeding \$10. Shaub said the value of the gift is determined not by what Wagner actually paid for the ticket, but what the full market value would have been had the ticket been purchased with cash.

"EPA's discussion of the discounted price that the donor paid is disingenuous," said Shaub, who resigned last year after clashing with President Donald Trump on ethics issues. "In this case, EPA should look to see what Pruitt would have had to pay if he had purchased the ticket on the day that he accepted the gift of free airfare from his subordinate."

Shaub said he expected his former colleagues in the Office of Government Ethics would advise Pruitt that it was inappropriate for

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EPA chief sat in coach when not flying on taxpayer's dime

him to accept the gifted airfare from an EPA employee and that he must repay Wagner at full market value.

The cut-rate airfare is the latest ethical issue to ensnare Pruitt, who has been under intense scrutiny since it was first revealed last month that he had stayed last year in a bargain-priced Capitol Hill condo tied to a fossil-fuels lobbyist.

The embattled EPA administrator and those around him are the subject of multiple investigations launched by government watchdogs and congressional committees looking into luxury travel expenses, outsized security spending and massive raises awarded to political appointees.

Follow Associated Press environmental reporter Michael Biesecker at <http://twitter.com/mbieseck>

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LEXINGTON, Ky. — It was one of the biggest games of the University of Kentucky basketball season, and Scott Pruitt had scored two of the best seats in the arena: a few feet from the action, in a section reserved for season-ticket holders who had donated at least \$1 million to the university.

The special access for Mr. Pruitt, the administrator of the Environmental Protection Agency, also included watching from the players' entrance as the team streamed onto the court, and posing for a photo with a star player in the locker room area.

A Courtside View of Scott Pruitt's Cozy Ties With a Billionaire Coal Baron - The New York Times

But there was more to the game last December than a superfan experience for Mr. Pruitt and his son, who joined him. They sat in seats belonging to Joseph W. Craft III, a billionaire coal executive who has engaged in an aggressive campaign to reverse the Obama administration's environmental crackdown on the coal industry. Mr. Craft and his wife donated more than \$2 million to support President Trump's candidacy and inauguration.

Mr. Pruitt's attendance at the game, the details of which have not been previously reported, followed a year of regulatory victories for Mr. Craft, who maintains close ties to Mr. Pruitt even as he has lobbied the E.P.A. on issues important to his company, Alliance Resource Partners. And unlike other executives with whom Mr. Pruitt is known to have close ties — like the oilman Harold Hamm or the coal mogul Robert E. Murray — Mr. Craft has stayed relatively under the radar.

A major contributor to Mr. Pruitt's campaigns in Oklahoma when Mr. Pruitt served in state government, Mr. Craft saw Mr. Pruitt at least seven times during his first 14 months at the E.P.A., agency records and emails show, and they were scheduled to appear together on at least two other occasions. That is more than Mr. Pruitt has met with representatives of any environmental group.

The relationship is so close that the two men trade text messages, with Mr. Craft proposing in one July 2017 exchange a possible "long-awaited" dinner and another visit with his company's executives.

When Scott Pruitt Met With Joseph W. Craft III

2017	JAN.	FEB.	MARCH
	APRIL	MAY	JUNE
	JULY	AUG.	SEPT.
	OCT.	NOV.	DEC.

It has been an auspicious turnaround for Alliance and for Mr. Craft, who in nearly four decades in the coal industry had felt unwelcome at the E.P.A., apparently never even setting foot in the agency's headquarters, one executive told an energy conference last November.

Mr. Pruitt's mostly behind-the-scenes relationship with Mr. Craft is emblematic of his unorthodox approach to leading the E.P.A., where he often blurs the lines between personal and official relationships and has created the impression at times that he does the bidding of the industries the agency regulates. As administrator, he has become the subject of a dozen ethical and other investigations, including several focused on his ties to lobbyists and others with business before his agency.

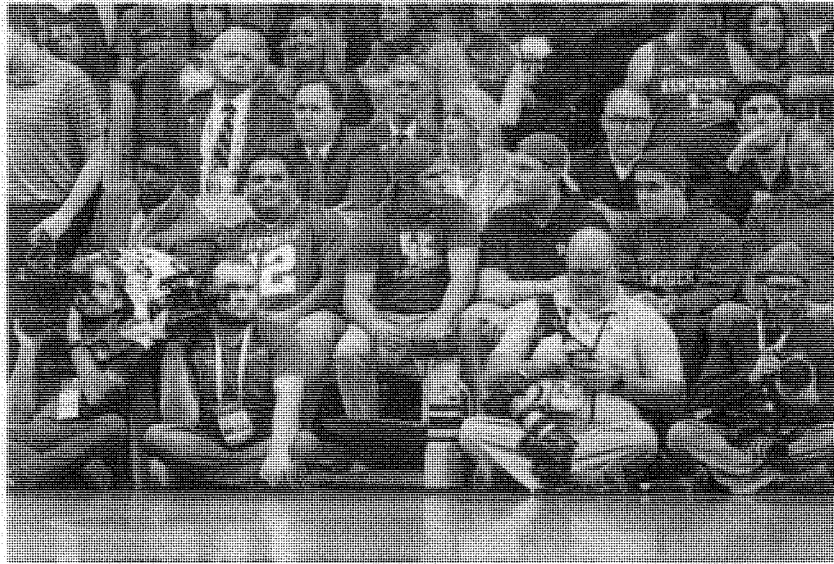
In October, Mr. Pruitt traveled to Mr. Craft's childhood hometown, Hazard, Ky., where, with Mr. Craft in the audience, he announced the repeal of the Clean Power Plan, an Obama-era policy to curb greenhouse gas emissions from power plants. A month earlier, Mr. Pruitt postponed enforcement of a rule barring coal-powered plants from dumping toxic metals into rivers, a move requested by a coal industry group with Mr. Craft on its board.

Emails and schedules show that Mr. Craft and Mr. Pruitt planned to meet at the Ritz-Carlton resort in Naples, Fla., for a gathering of the National Mining Association's board of directors. Mr. Pruitt even met with the board of Mr. Craft's company in a private dining room at the Trump International Hotel near the White House, according to schedules and emails made public by the E.P.A. in response to records requests.

There was no mention on Mr. Pruitt's official calendar of the Kentucky basketball game outing, but it was documented in photos and video footage, as well as university communications obtained by The New York Times through public records requests. Mr. Pruitt was accompanied not only by his security

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detail on the trip, but also by Kentucky state police, according to an email exchange between university police officers.



At the University of Kentucky, Mr. Pruitt attended one of the biggest games of the season last December, sitting in seats belonging to Mr. Craft. Michael Huang

Heath Lovell, vice president for public affairs at Alliance, said that Mr. Pruitt had wanted to take his son to the game while visiting Lexington, and had reached out to Mr. Craft, who sold him the tickets at “market value.”

Jahan Wilcox, an E.P.A. spokesman, said that Mr. Pruitt paid \$130 in cash for each ticket. An email from the E.P.A. ethics office approving in advance the purchase of the tickets said that payment would be made by check, but since it was a cash transaction, there is no receipt.

“Administrator Pruitt and Joe Craft are longtime friends,” Mr. Wilcox said. He

did not respond to follow-up questions about why Mr. Pruitt paid in cash.

Mr. Craft gained access to the tickets as a major financial backer of the university, having donated more than \$10 million to the school to help build basketball and football training facilities, both of which bear his name. His wife, Kelly Knight Craft, was previously a trustee of the university and a prolific Republican fund-raiser until she was appointed by Mr. Trump last year as United States ambassador to Canada.

Mr. Craft, 67, and Mr. Pruitt, 50, have deep ties to Kentucky. Mr. Pruitt, who was born and raised in the state, briefly played baseball at the University of Kentucky on a scholarship; Mr. Craft, also a Kentucky native, earned both his undergraduate and law degrees from the university. Both men later advanced their professional lives in Oklahoma, where Alliance has its corporate headquarters and where Mr. Pruitt served as a Republican state lawmaker and attorney general before joining the Trump administration.

The two met in Oklahoma in the mid-2000s, Mr. Lovell said, when Mr. Pruitt sought out the coal executive after his hearing about his connection to Kentucky sports. Mr. Craft owns a mansion in Tulsa about a mile from Mr. Pruitt's home.

Their targeting of the Obama-era controls imposed on the coal industry has angered environmentalists, who praised efforts by the E.P.A. under the Obama administration to reduce lead and other toxic substances in power plant emissions, while also addressing climate change concerns related to carbon dioxide releases.

"The slash-and-burn approach Pruitt is taking to regulation may not materially affect outcomes in the coal industry," said Tom FitzGerald, director of the Kentucky Resources Council, an environmental advocacy group. "But it's not going to stop them from trying in the short term, health and safety be damned."

Coal companies have welcomed what they consider a sea change in the federal government's approach to balancing business interests with environmental protections. The industry, a shadow of its former self in terms of production and employment, views the Trump administration as offering it an overdue lifeline.

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“The fact that industry no longer has an adversary in its government, and specifically at the E.P.A., is a huge step forward in common-sense regulation,” said Ashley Burke, a spokeswoman for the National Mining Association.

Mr. Lovell said that while Alliance welcomed the changes Mr. Pruitt had brought to the E.P.A., the coal company had not been treated differently from its industry peers.

“We did not receive any special treatment from the E.P.A.,” Mr. Lovell said.

A Friend at the E.P.A.

For years, coal companies have struggled with the industry’s decline.

There has been a fundamental shift in the way electricity is generated in the United States, with cleaner energy sources such as natural gas, wind and solar power ascendant. And many older coal-burning power plants are reaching the end of their useful lives.

A Warrior Coal plant in Madisonville, Ky. Citing costs to coal facilities, the industry has asked the E.P.A. to roll back Obama-era rules on water pollution, climate change, coal ash and air pollution. *Jackie Sherritt for The New York Times*

Since 2010, 628 coal-burning units at power plants in 43 states — totaling almost 115,000 megawatts of electrical capacity, roughly equivalent to the entire electricity supply of Texas — have closed or are scheduled to, according to an industry count.

But with the arrival of the Trump administration, Alliance Resource Partners, the country’s seventh-largest coal mining company, and many others in the industry sounded the alarm — and ever since have directed their efforts at getting Mr. Pruitt to intervene on their behalf.

“It is critically important to preserve the fleet of existing coal-fired power plants,” the American Coalition for Clean Coal Electricity, an industry group where Mr. Craft is a board member and a past chairman, said in a letter in April

<https://www.nytimes.com/2018/06/02/us/scott-pruitt-coal-joseph-craft.html>[6/18/2018 4:20:01 PM]

to the E.P.A.

When Mr. Pruitt announced the repeal of the Clean Power Plan last October, miners in attendance cheered as he declared, “The war on coal is over.”

The E.P.A. was no longer in the business of “picking winners and losers,” he added, a reference to the Obama-era restrictions that the industry has argued put coal producers at a disadvantage.

In the audience, Mr. Craft spoke glowingly about the new direction. “It gives us the opportunity to protect the coal fleet,” he told a local broadcaster.

As the industry has retreated in recent years — total employment was just over 50,000 in January, down from 90,000 in 2012 — Alliance has fared better than most. As of December, it had 3,321 full-time employees at its headquarters and eight mines in Illinois, Indiana, Kentucky and West Virginia.

The company increased production last year by nearly 7 percent, in part because it specializes in a relatively cheap, high-sulfur coal that can be scrubbed with existing pollution controls at most power plants.

“They’ve chosen some good mines, so their costs are not being driven up like others,” said Tom Sanzillo, a researcher at the Institute for Energy Economics and Financial Analysis, a clean energy think tank.

Mr. Craft wants to grow even more — allowing “existing fleets to expand their capacity,” he said during an earnings call in January 2017, and exporting more coal — and he moved quickly last year to get Mr. Pruitt on board, according to public records.

Mr. Craft sat front and center in Washington as Mr. Trump signed an executive order in March 2017, unwinding some of the Obama administration’s climate change efforts directed at the coal industry. “You know what it says, right? You’re going back to work,” the president gushed to a group of miners, a smiling Mr. Pruitt by his side.

The next month, Mr. Craft and his wife were both listed as attending the board meeting of the National Mining Association in Florida, where 100 or so coal

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industry executives gathered.

"It will be wonderful to see the Crafts," Sydney Hupp, then an aide to Mr. Pruitt at the E.P.A., said in an email setting up the event.

After Mr. Pruitt spoke to the group, the board backed the Trump administration's decision to leave the Paris climate agreement. The E.P.A.'s inspector general is investigating an allegation that the board's decision came at Mr. Pruitt's request, which could amount to a violation of anti-lobbying laws.

The allegations, first reported by Politico, were denied by Ms. Burke, the spokeswoman for the association.

And just two days after the Florida trip, Mr. Pruitt spoke to members of the Alliance board and other top executives at a restaurant at the Trump hotel in Washington.

Ms. Craft, who helped plan the event, wrote to Mr. Pruitt's staff the night before. "Joe will be waiting for Scott at the designated entrance," she said in an email, signing off, "Sent by my coal powered iPad."

Mr. Wilcox, the E.P.A. spokesman, said that Mr. Pruitt's appearance had been cleared by agency ethics officials and that he did not eat dinner at the event.

Documents show that Mr. Craft and others in the industry have sought the E.P.A.'s help, particularly in decreasing costs related to air and water pollution controls at coal-powered plants.

The companies have asked the agency to roll back at least eight Obama-era rules regulating water pollution, climate change, coal ash and air pollution, among other measures. Almost all the rules affect the 30 plants that burn coal supplied by Alliance, including a plant that powers Henderson, Ky., about 200 miles west of Lexington.

Chris Heimgartner, a utility executive, outside a plant that serves Henderson, Ky. Given cheaper alternatives, the plant will probably shut down its coal units in the future, he said. *Luke Sharrett for The New York Times*

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Alliance's Warrior Coal mine, which has a contract to supply coal to the Henderson plant, is 30 miles away in western Kentucky, where the stillness of the hills is interrupted by the drone of the mine's ventilation fan and the occasional movement of rail cars.

To continue burning the coal under current regulations, Henderson must build a \$34 million water treatment plant to keep toxic metals from discharging into a nearby river. And it must spend \$21 million more to clean up its handling of coal waste — which now sits in a giant unsightly pond near the plant — as well as \$16 million to overhaul electricity-generating turbines.

"It certainly doesn't make sense to keep them operating as is," said Chris Heimgartner, general manager of the Henderson utility that owns the plant, as steam billowed from the aging dual-stacks in the distance behind him. "There is just too much cheap energy."

Mr. Craft and other coal industry executives fear this conclusion will mean shutting down the coal-burning furnaces. That's why, in May last year, they complained to the E.P.A. that the water treatment requirement was "projected to cost electricity generators hundreds of millions to billions of dollars." Ten days later, Mr. Pruitt announced that he would postpone the rule for at least two years.

A Day at the Game

Basketball is king in Lexington, and on a bitterly cold afternoon last December, Mr. Pruitt was in the middle of the action as Kentucky beat its in-state rival, the University of Louisville, in a nationally televised game.

Because his seat was so close to the court, he was visible during the telecast. A video clip on Twitter and Instagram showed Mr. Pruitt and his college-age son, Cade, standing in the players' entrance as the team walked to the court.

Emails show that a security agent from Mr. Pruitt's staff coordinated with university police to make arrangements for his visit. Matt Bevin, Kentucky's governor, a Republican, planned to be part of Mr. Pruitt's group, and they were

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to be accompanied by an E.P.A. security detail and Kentucky state police officers, the emails said. Police were also informed of Mr. Pruitt's premium seats and his plans to visit the Crafts, along with the locker room complex largely funded by Mr. Craft and named for him.

In a message on Twitter, Ms. Craft posted a photo of herself with Mr. Pruitt and Shai Gilgeous-Alexander, the player of the game. "Great to see @EPAScottPruitt," she wrote, using his Twitter handle. The Crafts, who have 26 season tickets, did not sit with Mr. Pruitt and his son during the game. (The season tickets used by Mr. Pruitt cost \$1,300 each, the equivalent of \$130 per game, the university said.)

The Crafts are larger-than-life figures at the University of Kentucky. In addition to supporting the facilities bearing his name, Mr. Craft led a \$7 million fund-raising effort for a dormitory for the basketball team that he requested be called Wildcat Coal Lodge.

At a university where there is a statue of one legendary coach and an arena named for another, the current coach, John Calipari, is one of the most well-known figures in the game. Closely aligned with the Crafts, he has visited Alliance mines and spoken effusively about the company.

Tony Oppegard, a lawyer based in Lexington and a former Kentucky mine safety prosecutor, described Mr. Craft as a powerful presence in a state with weak safety and environmental oversight that relies on federal regulations and enforcement.

"He wields a lot of influence," Mr. Oppegard said.

At the federal level, Mr. Craft bet big on Mr. Trump.

A protest at the University of Kentucky outside the Wildcat Coal Lodge, a basketball team dormitory for which Mr. Craft raised money. *MIT Group*

The Crafts donated more than \$1 million to political committees supporting Mr. Trump's presidential bid, campaign finance records show, and held a fund-

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raiser for him in Lexington in July 2016. Mr. Craft, through a trust, also donated \$1 million to his inauguration.

"The Trump administration does appreciate the value that coal-fired electricity brings to the nation," Mr. Craft told investors soon after Mr. Trump was sworn in as president.

Mr. Craft backed Mr. Pruitt when he ran for Oklahoma attorney general in 2010.

As attorney general, Mr. Pruitt directed state officials to challenge the E.P.A., including a lawsuit that accused the agency of improperly trying to compel two Oklahoma coal-burning power plants to overhaul their emissions systems to improve air quality in nearby federal wilderness areas. That regulation affected plants fueled with coal from Alliance's mines.

By 2013, Mr. Craft, his company and nearly a dozen other coal industry lawyers, consultants and executives were contributing to Mr. Pruitt's bid for a second term, even though he faced no real opposition. Many of those donations came in November 2013, just weeks after Mr. Pruitt disclosed that he would ask the Supreme Court to take up the case involving the Oklahoma power plants. Mr. Pruitt ultimately lost that case.

The next year, Alliance helped host a meeting in Miami of the Republican Attorneys General Association, which Mr. Pruitt had led as chairman. Separately, the clean coal electricity group, where Mr. Craft was formerly chairman, donated \$388,550 to the attorneys general organization during the final three years that Mr. Pruitt was a member.

Even with the changes under Mr. Pruitt's E.P.A., the coal industry faces formidable obstacles, particularly because of the abundance of cheap natural gas.

Mr. Craft and his wife, Kelly Knight Craft, with Donald J. Trump during the presidential campaign. Mr. Trump later appointed her ambassador to Canada. *Mark Gross*

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The Henderson plant is already moving toward a likely shutdown of its coal-burning units, Mr. Heimgartner said, making it one of at least nine power plants supplied by Alliance in the last year that are considering closing or have announced partial or complete shutdowns, an analysis by the Sierra Club shows.

Mr. Pruitt continues to work through the industry wish list, pleasing Mr. Craft and his team, whose allies also include Ryan Zinke, the interior secretary, and Rick Perry, the energy secretary. Mr. Craft supports an effort by Mr. Perry to force electric grid operators to buy power from struggling coal-burning plants, even if it means higher rates for consumers.

"The Trump administration has done amazing things," Mr. Lovell, of Alliance, said at the energy conference in Houston last November. "We are well on the way."

Steve Eder reported from Kentucky, Hiroko Tabuchi from New York and Eric Lipton from Washington. Marc Tracy contributed reporting from New York, and Lisa Friedman from Washington.

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'That's bizarre': Realtors weigh in on Scott Pruitt's \$50-a-night condo room deal in D.C.

By Eli Rosenberg April 7 Email the author



The Capitol Hill condo building where Environmental Protection Agency Administrator Scott Pruitt has stayed in Washington. (Andrew Harnik/AP)

Among the ethics scandals now swirling around Environmental Protection Agency Administrator Scott Pruitt is

https://www.washingtonpost.com/...s-bizarre-realtors-weigh-in-on-scott-pruitts-50-a-night-condo-room-deal-in-d-c/?utm_term=.4e0a183d0e0d[6/18/2018 4:13:16 PM]

'That's bizarre': Realtors weigh in on Scott Pruitt's \$50-a-night condo room deal on Capitol Hill - The Washington Post

the recent disclosure that he leased a room in a D.C. condominium from the wife of an energy lobbyist.

For about six months in 2017, Pruitt leased a room in a condo co-owned by the woman in the Capitol Hill neighborhood, a stately enclave where the white dome of the eponymous building can be seen looming above brick rowhouses on many streets.

He paid a \$50-a-night rate for the room, which amounts to roughly \$1,500 a month, but had struck an arrangement with the lessor to pay only for the nights he stayed there. In actuality, he paid about \$6,100 over the approximately six-month period, or about \$1,000 a month.

The accommodation has been the subject of much media coverage since it was disclosed last month. On Friday, the Hill reported that the House Oversight and Government Reform Committee was probing the housing arrangement.

Federal ethics regulations prohibit executive branch employees from accepting gifts given because of their positions or from "certain interested sources," of which an apartment rented at a below-market rate could qualify. The employees are also prohibited by impartiality rules from taking part in certain activities that give "even the appearance of impropriety."



The Post contacted real estate agents with expertise in the market in Capitol Hill and D.C. at large with a simple question: Would they consider \$1,500 for a room in a condo in the neighborhood's portion near the Capitol to be market rate?

Nancy Simmons, the president of the D.C.-area apartment-search service Apartment Detectives, provided The Washington Post with a sample of recently rented listings in the area around the condominium in which Pruitt leased a room. The two-bedroom apartments in the area rented from \$2,550 to \$4,300, or about \$1,275 to \$2,150

https://www.washingtonpost.com/s-bizarre-realtors-weigh-in-on-scott-pruitts-50-a-night-condo-room-deal-in-d-c/?utm_term=.4e0af83d0e0d[6/18/2018 4:13:16 PM]

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if split evenly. The average of the seven listings she provided was \$3,300, or \$1,650 per room.

The \$4,300 listing was a two-bedroom apartment just steps away from the one Pruitt rented. A selection of one-bedroom apartments she provided showed prices ranging from \$1,525 to \$2,400.

What made Pruitt's listing unusual, Simmons said, was a provision in the lease that Pruitt was responsible for paying only for days of "actual occupancy," meaning he did not have to pay rent when he was out of town or otherwise away.

"That's bizarre," she said. "Typically, when you rent something, you rent something at a monthly rate, unless it was like an Airbnb scenario."

Susan Berger, a real estate agent from Evers & Co. whose late husband, Sandy, was President Bill Clinton's second national security adviser, agreed that the lease was "very strange."

"I've never seen it before," she said.

Kevin Minoli, the EPA's principal deputy general counsel, had determined that the apartment rental did not constitute a gift because it was a "reasonable market value," citing Airbnb listings in the area that rented rooms for as low as \$55 a day or less.

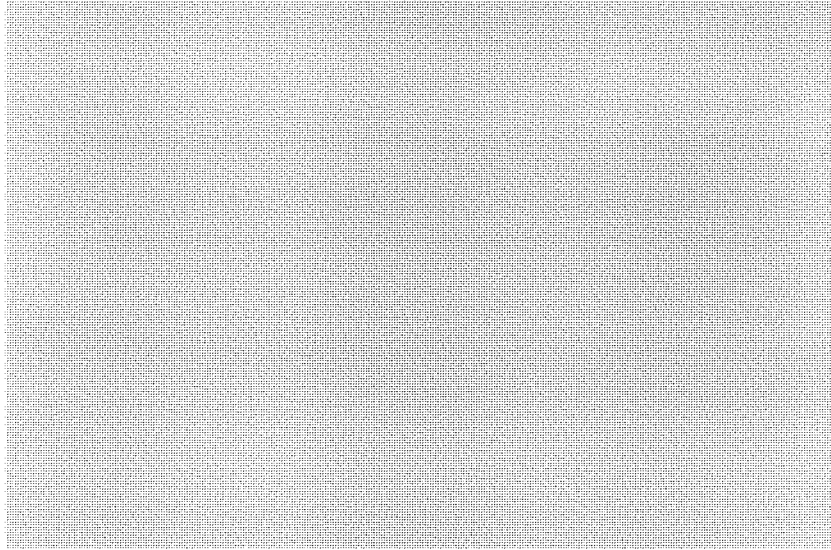
Pruitt, too, has compared the situation to the home rental app.

"This was like an Airbnb situation," he told Fox News this week. "When I was not there, the landlord, they had access to the entirety of the facility. ... When I was there, I only had access to a room."

A search of Airbnb in the area did find more than a dozen bedrooms listed for similar prices. Some appeared to be inactive, and others typically charged as much as double that, though they were occasionally available for as low as \$50 a night. Many of these apartments were often tightly booked for months in advance, making it unlikely a renter could spontaneously come and go as they pleased without the room being booked by someone else when they weren't there.

"That's the thing. You couldn't leave your stuff there and book it for the month if you're not paying for the month, so that's unusual," Simmons said.

'That's bizarre': Realtors weigh in on Scott Pruitt's \$50-a-night condo room deal on Capitol Hill - The Washington Post



Rooms available for \$55 or less in the area near where Pruitt rented the room in a condo. Some are inactive. (Airbnb)

[After leaving \$50-a-night rental, EPA's Scott Pruitt had no fixed D.C. address for a month]

Lindsay Reishman, a senior vice president at the real estate company Compass, said that on Capitol Hill “\$1,500 is not a glamorous one bedroom. It's like a basement level one-bedroom that's not really up to snuff, or a nice studio.”

Additional bedrooms with other roommates could bring down the price, he said.

“If it was a group house, with four or five bedrooms, I would guess it would still be \$1,300 or \$1,400 a room,” he said.

He said it would be hard if not impossible to find a two-bedroom apartment in the area for \$1,500 and described the occupancy provision as “a little bit out of the ordinary,” saying he had never heard of such an arrangement before.

“You could have an Airbnb but not something where you just have the right to use it when you need to and only pay during the time it's used,” he said. “That's a tenant-friendly agreement for sure.”

Multiple EPA officials have confirmed to the Washington Post that Pruitt's adult daughter stayed in a second bedroom for a time when she was working at the White House. It is not believed that anyone else stayed in the second bedroom for other portions of Pruitt's stay at the condo.

https://www.washingtonpost.com/...s-bizarre-realtors-weigh-in-on-scott-pruitts-50-a-night-condo-room-deal-in-d-c/?utm_term=.4e0a83d0e0d6[6/18/2018 4:13:16 PM]

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Minoli wrote in a memo this week that his first assessment was based on the terms of the lease, not including potential activities that did not comply with it.

"Evaluating those questions would have required factual information that was not before us and the Review does not address those questions," he wrote.

Justina Fugh, a senior ethics attorney at the EPA, has said she did not have "the full picture" when she signed off on an after-the-fact ethics ruling on the housing situation.

"Advice that's given by an ethics official is only as good as the information that's provided," she told The Post.

Minoli also said he did not rule on whether the housing arrangement had violated the impartiality rule.

Juliet Eilperin contributed to this report.

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Energy PR executive helped get Scott Pruitt and his family Rose Bowl tickets - The Washington Post



Energy and Environment

Energy PR executive helped get Scott Pruitt and his family Rose Bowl tickets

By Brady Dennis and Juliet Elperin June 15 [Email the author](#)



EPA Administrator Scott Pruitt speaks at the Faith and Freedom Coalition Road to Majority policy conference this month. (Mark Wilson/Getty Images)

The head of an Oklahoma-based public relations firm with a large energy practice helped Environmental

https://www.washingtonpost.com/...his-family-received-rose-bowl-tickets-from-energy-pr-executive-letter-claims/?utm_term=.fecbb47f6cb5[6/18/2018 4:19:11 PM]

Energy PR executive helped get Scott Pruitt and his family Rose Bowl tickets - The Washington Post

Protection Agency Administrator Scott Pruitt secure tickets for his family to go to the Rose Bowl in January, agency officials confirmed Friday.

Rep. Elijah E. Cummings (D-Md.) detailed the transaction Friday morning in a letter he sent to Renzi Stone, a member of Oklahoma University's Board of Regents and head of the communications firm Saxum, requesting information "regarding your actions in assisting EPA Administrator Scott Pruitt in obtaining highly sought-after tickets to attend the Rose Bowl on New Year's Day." The Oklahoma Sooners played the Georgia Bulldogs that day in the national semifinals.

Cummings cites Millan Hupp, Pruitt's former director of scheduling and advance, who told House Oversight Committee staffers during an interview last month that Stone had provided Pruitt's family with the coveted tickets. EPA spokesman Jahan Wilcox confirmed Friday that Stone had put Pruitt in contact with Oklahoma University's athletics department so that he could purchase the tickets "at face value."

Saxum describes itself as "a full-service marketing communications agency" and says that Stone has "extensive experience in marketing strategy, crisis communication and public affairs for energy companies." Its website is emblazoned with the slogan "We Know Energy" and includes the sentence, "We believe that energy will continue to be a divisive issue for many years to come."

While the company's website highlights a wide array of clients, including 7-Eleven, First Fidelity Bank and the University of Oklahoma, it does appear to have a large energy practice, having performed work for clients such as the American Petroleum Institute, the Interstate Natural Gas Association of America and Tulsa-based Williams.

"Federal ethics rules prohibit government employees from accepting gifts, such as tickets to sporting events, unless they pay 'market value,'" Cummings wrote in his letter, asking Stone to provide "all documents and communications" with Pruitt dating to Jan. 20, 2017. "Moreover, a government employee may not accept a gift provided 'because of the employee's official position.'"

In his letter, Cummings noted that one Saxum client, Plains All American Pipeline, "currently has a petition before the EPA to discharge hydrostatic test water from a pipeline" in Corpus Christi, Tex. However, an official at the company said in an email Friday that it is "a former client of Saxnm."

"Our prior association ended in November 2017 and was limited to Oklahoma-based public relations support for a pipeline construction project," the official said.

Wilcox accused Cummings on Friday of "misconstruing the facts."

"Renzi Stone, a friend of Administrator Pruitt and regent to the University of Oklahoma, simply connected Pruitt to the athletic department," Wilcox said. "Pruitt purchased the tickets at face value from the OU athletic department. To report otherwise is false."

In a series of tweets Friday morning, Stone elaborated on that account.

"Each year mid-Dec people call for OU bowl tickets. Scott Pruitt, my friend since 2001, asked through an aide if he could buy Rose Bowl tix," he tweeted. "I made connection to OU ticket office. He bought them. That's it. I'll respond to Rep. Cummings ... we don't do any work for clients at EPA."

After the Sierra Club, an environmental advocacy group, tweeted to Stone about his firm's work for API, "Thanks for definitively confirming that the oil industry lobbying association is a client of yours," the public relations executive replied on Twitter: "We did some videos for them. Do your homework."

https://www.washingtonpost.com/...his-family-received-rose-bowl-tickets-from-energy-pr-executive-letter-claims/?utm_term=.fecbb47f6cb5[6/18/2018 4:19:11 PM]

Energy PR executive helped get Scott Pruitt and his family Rose Bowl tickets - The Washington Post

"A client we have never discussed @epa with in any way," Stone tweeted. "Not everyone who works with DC or energy sector clients lobby federal agencies, FYI. In our case with API and every other client Saxum works with, lobbying EPA isn't the type of work we do."

Saxum also financially supported Pruitt's political activities while he served as attorney general, federal election records show. According to the Center for Responsive Politics, the firm donated \$2,500 to a political action committee affiliated with Pruitt, Liberty 2.0, in 2015.

Days before Pruitt attended the Rose Bowl, he also sat with his son in premium seats near the court at a University of Kentucky basketball game. The New York Times recently reported that Pruitt scored those tickets through a longtime friend, Joseph Craft, a billionaire coal baron who heads Alliance Resource Partners, one of the nation's largest coal mining firms. The EPA said at the time that Pruitt had paid \$130 for each ticket, and the company said Craft had sold them at "market value."

The most recent spate of ethical misconduct allegations against Pruitt, however, does not appear to have shifted President Trump's view of his EPA chief. Asked Friday morning about Pruitt, Trump told reporters, "I'm not happy about certain things, but he's done a fantastic job running the EPA, which is very overriding."

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Brady Dennis is a national reporter for The Washington Post, focusing on the environment and public health issues. He previously spent years covering the nation's economy. Dennis was a finalist for the 2009 Pulitzer Prize for a series of explanatory stories about the global financial crisis. Follow @brady_dennis

Juliet Eilperin is The Washington Post's senior national affairs correspondent, covering how the new administration is transforming a range of U.S. policies and the federal government itself. She is the author of two books — one on sharks and another on Congress, not to be confused with each other — and has worked for The Post since 1998. Follow @eilperin

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Senators press Pruitt for details on new legal defense fund

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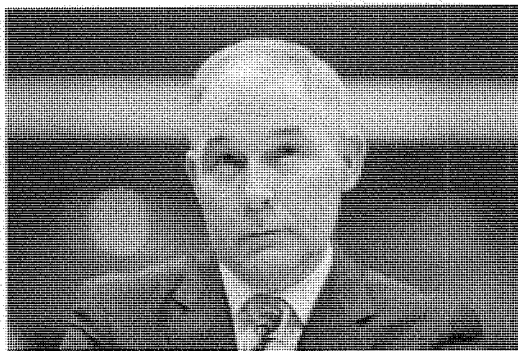
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May. 21, 2018



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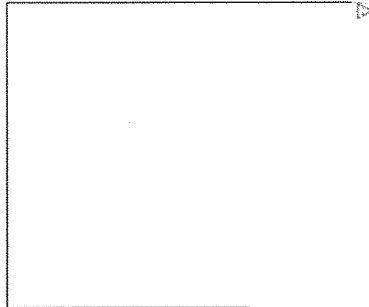
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WASHINGTON (AP) — Four Senate Democrats asked Scott Pruitt on Monday for details about a new legal defense fund to help the Environmental Protection Agency administrator as he weathers a series of federal ethics investigations.

Pruitt confirmed at a Senate hearing last week that people he did not identify have created the legal defense fund in his behalf, but he gave no specifics on its operation. Officials typically use such funds to help cover any legal bills for themselves and sometimes for others.



Under questioning last week from Sen. Chris Van Hollen, D-Md., Pruitt said, “Yeah, absolutely” when Van Hollen asked him to commit to refusing any donations to the fund from lobbyists or companies with business before the EPA.

Neither Pruitt nor the EPA has made public any other information about his defense fund since then. Pruitt is the subject of probes by the EPA’s inspector general, the Government Accountability Office, Congress and others investigating allegations about his spending, relationships with lobbyists and other matters.

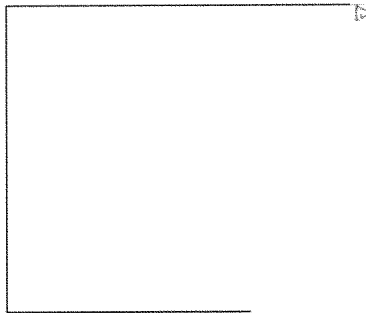
In a letter from Van Hollen and three other Senate Democrats, the lawmakers asked Pruitt within 10 days to provide all the documents that went into setting up the defense fund, and any communication involving the EPA’s ethics office about the fund.

Asked by The Associated Press for information about Pruitt’s defense fund, Cleta Mitchell, the Washington lawyer reported by The Washington Post to have handled setting up the fund, responded by email, “No.”

An Oklahoma native like Pruitt, Mitchell is known for arguing for narrow interpretations of financial disclosure requirements in politics, as in a 2012 essay she wrote for a Minnesota law review titled, “Donor disclosure: Undermining the First Amendment,” which protects free speech. She argued for the National Rifle Association in a 2002 case against tougher financial-disclosure laws in politics.

Called “the attack attorney of choice for Tea Party stars” by the Wall Street Journal in 2010, Mitchell is a spirited defender of Pruitt on Twitter, tweeting last month, “Pruitt is an American hero, dedicated to draining the Swamp. This brave man dares to wrangle the EPA to its proper role. Hang in there, Scott Pruitt!!”

EPA spokesman Jahan Wilcox did not respond to an AP email asking for the contact of someone who could comment on the fund.



The senators — Van Hollen and Sens. Tom Udall of New Mexico, Sheldon Whitehouse of Rhode Island and Tom Carper of Delaware — asked Pruitt to commit to publishing a monthly list of donors to the fund. The four senators are members of committees on Capitol Hill with oversight authority over EPA.

They also asked Pruitt to respond to 14 questions about the fund. Those included whether EPA employees or their spouses would be allowed to give to it; what involvement the EPA's ethics office would have overseeing the fund; and whether the fund would abide by the federal Office of Government Ethics' guidelines of \$50 annual limits on gifts from any one person.

“Without further clarification of these issues, your legal defense fund may lead to more complaints that you may be violating the public trust,” Van Hollen and the other senators wrote. “We believe a person in your position should regularly and publicly disclose all donors to a legal defense fund” to avoid any appearance of a conflict of interest.

When it comes to legal defense funds for members of the executive branch, recommendations by the Office of Government Ethics are advisory only, lacking direct enforcement power, experts in government ethics and financial disclosure law told the AP.

Guidelines include recommendations that officials avoid accepting anonymous gifts. Tax laws and government codes on what kind of gifts officials may accept govern some aspects of the funds, depending on how a particular fund is set up. Regulations that dictate financial disclosure overall by officials like Pruitt, the senators noted, may require no more than annual reports.

"They are very tricky entities and present potential for abuse," Lawrence Noble, general director of the Campaign Legal Center and former general counsel to the Federal Election Commission, said of the defense funds for members of the executive branch. "There's too much leeway in terms of what they allow."

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UNITED STATES OFFICE OF
GOVERNMENT ETHICS

September 28, 2017
LA-17-10

LEGAL ADVISORY

TO: Designated Agency Ethics Officials

FROM: David J. Apol
Acting Director and General Counsel

SUBJECT: Clarification of Past Legal Defense Fund Guidance Provided in OGE Informal
Advisory Opinion 93x21

This Legal Advisory is being issued by the U.S. Office of Government Ethics (OGE) to clarify OGE's advice concerning legal defense funds established to provide for the legal expenses of executive branch employees. Specifically, this Legal Advisory makes clear that the discussion in OGE Informal Advisory Opinion 93x21 concerning the acceptance of donations from anonymous sources does not, and has not, reflected OGE's views since shortly after the issuance of that opinion. Although there is no statutory or regulatory framework providing for the manner in which a legal defense fund may be established for an employee, such a fund must be operated consistent with the ethics rules. This includes rules regarding the acceptance of gifts from outside sources and from other employees found in the Standards of Conduct for Employees of the Executive Branch at 5 C.F.R. Part 2635, Subparts B and C; the criminal conflict of interest statutes at 18 U.S.C. §§ 201-209; the public financial disclosure requirements in the Ethics in Government Act of 1978, 5 U.S.C. app. § 101 *et seq.*; and the lobbyist gift ban in Executive Order 13770, sec. 1, para. 5. Accordingly, OGE has been advising, and is continuing to advise, that the instruments establishing legal defense funds include a clause stating that "contributions shall not be accepted from anonymous sources."

OGE previously issued two informal advisory opinions addressing whether particular legal defense funds would violate the prohibition against supplementation of salary in 18 U.S.C. § 209. *See* OGE Inf. Adv. Op. 85x19 (1985); OGE Inf. Adv. Op. 93x21 (1993). In OGE Informal Advisory Opinion 85x19, OGE concluded that section 209 may be implicated by payments made to an employee's legal defense fund. Eight years later, OGE revisited this issue in light of *Crandon v. United States*, 494 U.S. 152 (1990). In OGE Informal Advisory Opinion 93x21, OGE significantly narrowed the circumstances under which a payment to a legal defense fund may implicate section 209. Specifically, OGE found that section 209 was not violated in the particular situation presented, concluding, "[i]f the employee's defense is not part of his work, then

accepting contributions from a legal defense fund would not be ‘as compensation for services’ prohibited by section 209. OGE Inf. Adv. Op. 93x21. This conclusion has not changed.¹

At the same time, OGE Informal Advisory Opinion 93x21 also discussed the idea that the identity of the donors “should” be concealed from the beneficiary of the fund, though not required, because the employee will be unable to favor the anonymous donors. *Id.* Shortly after this guidance was issued, however, OGE recognized that donor anonymity may be difficult to enforce in practice because there is nothing to prevent a donor disclosing to the employee that he or she contributed to the employee’s legal defense fund. *See OGE Authorization Act of 1994: Hearing Before the Subcomm. on Admin. Law and Gov’t Rel. of the Comm. on the Judiciary, 103rd Cong. 20-22 (1994)* (statement of Stephen J. Potts, Director, Office of Government Ethics). Moreover, OGE also recognized that many of the concerns raised in OGE Informal Advisory Opinion 93x21 about donors currying favors with employees benefiting from the donations are negated by the fact that solicitation and acceptance of contributions from prohibited sources are barred under the gift rules at 5 C.F.R. Part 2635, Subpart B, unless an exception applies. Accordingly, OGE has been advising, and is continuing to advise, that the instruments establishing legal defense funds include a clause stating that “contributions shall not be accepted from anonymous sources.”

Because of these and other ethics considerations, individuals should consult with an agency ethics official or OGE before establishing a legal defense fund.

¹ Similarly, in *United States v. Project on Government Oversight*, the D.C. Circuit stated that a payor must have actual intent to compensate a government employee for his official duties for section 209 to be implicated. 616 F.3d 544, 558-60 (D.C. Cir. 2010).

MAY 21, 2018

VAN HOLLEN, CARPER, UDALL, WHITEHOUSE DEMAND TRANSPARENCY ON PRUITT'S LEGAL DEFENSE FUND

Today Senators Chris Van Hollen (D-Md.), Tom Carper (D-Del.), Tom Udall (D-N.M.), and Sheldon Whitehouse (D-R.I.) wrote to Environmental Protection Agency (EPA) Administrator Scott Pruitt to follow up on his testimony last week before the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies, where he confirmed to Senator Van Hollen for the first time that he has set up a legal defense fund. With legal and ethical issues mounting, Mr. Pruitt refused to clearly state that he would refuse anonymous donations – something recommended by the Office of Government Ethics.

“You committed that donations to your legal defense fund will be made public, and then indicated that the public disclosure will be done “pursuant to the requirements of disclosures.” The Office of Government Ethics (OGE) recommends public disclosure of legal defense fund donors consistent with federal rules concerning the disclosures of gifts...” **the Senators wrote.** “However, even if you do comply with that recommendation, there is significant ambiguity as to what constitutes an anonymous source. A donation from a 501(c)(4) or a shell corporation may conceal the identity of the actual donor to your fund.”

The Senators added, “Without further clarification of these issues, your legal defense fund may lead to more complaints that you may be violating the public trust. We believe a person in your position should regularly and publicly disclose all donors to a legal defense fund, taking care to determine the true source of donations and avoiding any appearance of a conflict of interest.”

The full text of the letter is below and here.

Dear Administrator Pruitt,

We write to follow up on your testimony before the Senate Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies on May 16, 2018. At the hearing, you confirmed that you have set up a legal defense fund. While you did commit to not accept any donations to your legal defense fund from lobbyists or corporations that have business before the EPA, we are seeking further clarification about your testimony on several points, including publicly disclosing all donations and the matter of anonymous donations.

You committed that donations to your legal defense fund will be made public, and then indicated that the public disclosure will be done "pursuant to the requirements of disclosures." The Office of Government Ethics (OGE) recommends public disclosure of legal defense fund donors consistent with federal rules concerning the disclosures of gifts. Those rules require disclosure of contributions as part of your annual financial disclosures, but that could delay disclosure for well over a year. Furthermore, OGE also advises that "that the instruments establishing legal defense funds include a clause stating that "contributions shall not be accepted from anonymous sources." However, even if you do comply with that recommendation, there is significant ambiguity as to what constitutes an anonymous source. A donation from a 501(c)(4) or a shell corporation may conceal the identity of the actual donor to your fund.

Without further clarification of these issues, your legal defense fund may lead to more complaints that you may be violating the public trust. We believe a person in your position should regularly and publicly disclose all donors to a legal defense fund, taking care to determine the true source of donations and avoiding any appearance of a conflict of interest. To help us ascertain whether you will keep the public sufficiently informed of your defense fund's donations, we request that you provide us with answers to the following questions:

1. Have you consulted with OGE about the legal defense fund? Did OGE review all relevant documents governing the fund? Have you followed all advice provided to you by OGE?
2. Has EPA's Designated Agency Ethics Official (DAEO) approved the structure of your legal defense fund?
3. Will the legal defense fund include a screening process for the names of potential donors to be submitted in advance to the DAEO to seek a determination as to whether the contribution is from a prohibited source or has business before the agency? If so, please describe the screening process that will be put in place.

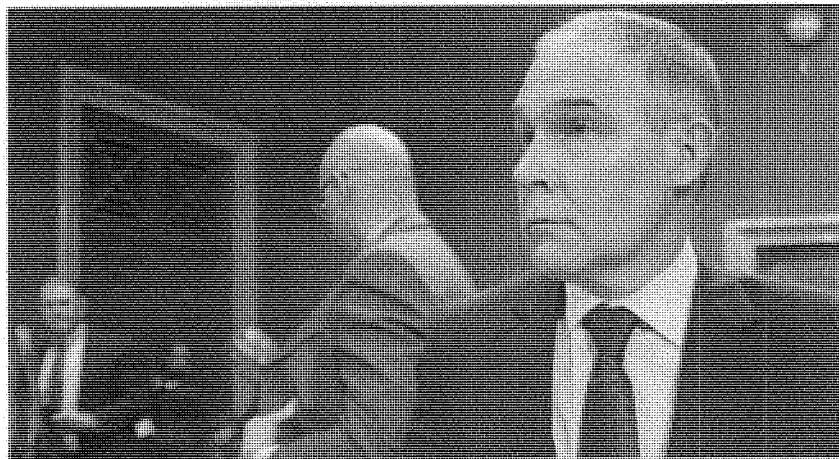
4. Will the legal defense fund provide the names of all donors to EPA's DAEO? Will you commit to providing that information no less frequently than on a monthly basis?
5. Will you publicly disclose the identities of all contributors to your legal defense fund no less frequently than on a monthly basis?
6. What steps are being taken to ascertain whether any contributors, their employers, clients, or any entity in which they have a beneficial interest, have business before EPA? Do you commit to providing that information to the DAEO? How frequently will that information be provided?
7. Do you agree to submit to the DAEO all relevant information about your past or present contacts with contributors to your legal defense fund so he can determine whether any steps must be taken by you to comply with the Ethics in Government Act?
8. Will you allow contributions to your legal defense fund to be made by lobbyists (or their spouses) whose firms represent clients with business in front of EPA?
9. Will you allow contributions to your legal defense fund to be made by individuals (or their spouses) who work for companies with business in front of EPA?
10. Will you accept contributions from EPA employees (or their spouses)?
11. Will you accept anonymous contributions to be made to your legal defense fund?
12. Will you accept contributions from 501(c)(4) organizations or contributions from corporate entities, the beneficial owner(s) of which are not publicly known? If you will, how will you ensure that no one with business before EPA has contributed to your defense fund through one of these entities?
13. Will you be transferring political campaign funds, political party funds, or PAC funds to your legal defense fund, or will you be using monies from one or more of those sources to supplement your legal defense fund?
14. The Office of Government Ethics advises that legal defense funds must be operated consistent with "rules regarding the acceptance of gifts from outside sources". That includes compliance with the Office of Government Ethics' exception to the gifts rules that allow an employee to accept "a gift valued at \$20 or less, provided that the total value of gifts from the same person is not more than \$50 in a calendar year." Accordingly, please confirm that you do not intend to accept more than \$50 from the same person in one calendar year.

In addition to these questions, we are also requesting that you provide copies of all documents establishing your legal defense fund as well as copies of all documents related to the fund that were provided to you by EPA's ethics officials within ten business days.

POLITICO



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The EPA has said the expensive flights were necessary because of the high number of security threats Administrator Scott Pruitt has received. | J. Scott Applewhite/AP Photo

Pruitt spent over \$105,000 on first-class flights

By EMILY HOLDEN, ANTHONY ADRAGNA and ALEX GUILLÉN | 03/20/2018 09:37 PM EDT

EPA Administrator Scott Pruitt spent more than \$105,000 on first-class flights in his first year on the job, according to records EPA provided to the House Oversight Committee and obtained by POLITICO on Tuesday.

Pruitt has drawn criticism for regularly booking first-class flights rather than the coach tickets recommended by EPA protocol. The agency has said the expensive flights were

necessary because of the high number of security threats Pruitt has received.

That \$105,000 figure doesn't include an additional \$58,000 Pruitt rang up on charter flights and a military jet to carry him and his staff from an event with President Donald Trump in Cincinnati to a connecting flight to Europe out of New York, according to previously released records.

The most expensive airfare listed in the new documents was a \$16,217 trip in December to Morocco, where Pruitt touted American natural gas exports. Pruitt missed a connecting flight and stayed overnight in Paris, and appears to have missed two flights to Morocco before flying to Rabat on Dec. 11. He left the country two days later.

The travel information also shows Pruitt originally intended to travel to Australia from Aug. 31 through Sept. 8 to "discuss best practices regarding the environmental operations" within the country. But that trip, to Sydney and Melbourne, was eventually scrapped.

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In a letter to Rep. Trey Gowdy (R-S.C.), chairman of the committee, EPA said Pruitt and his family have been the targets of direct and implied threats.

The agency has approved the first-class flights "on an individualized basis," the letter said.

"[As] the letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane," EPA spokesman Jahan Wilcox said.

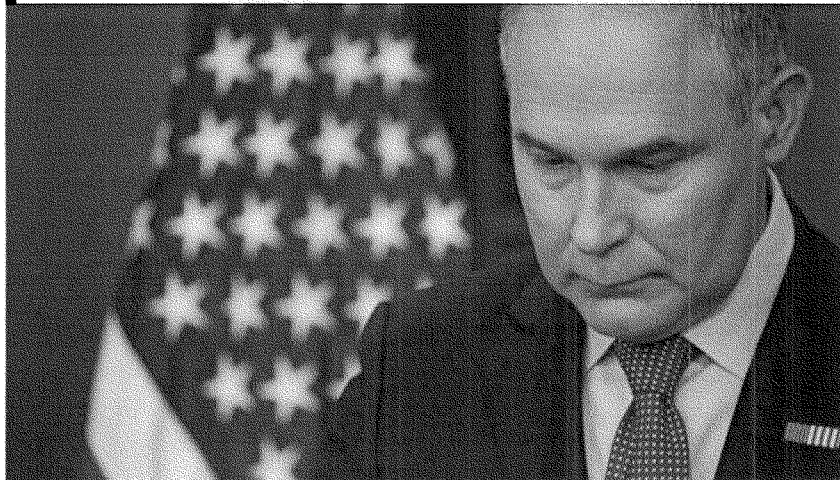
The committee, which requested the documents a month ago, said it is "in the process of reviewing and evaluating the documents and information," which will determine its next steps.

POLITICS

Scott Pruitt Bypassed the White House to Give Big Raises to Favorite Aides

The embattled EPA chief used an obscure provision last month to increase the salaries of a pair of staffers by tens of thousands of dollars.

ELAINA PLOTT AND ROBINSON MEYER APR 3, 2018



Scott Pruitt speaks at a White House press briefing in June. (JONATHAN ERNST / REUTERS)

Updated on April 3 at 2:23 p.m. ET

In early March, Environmental Protection Agency Administrator Scott Pruitt approached the White House with a request: He wanted substantial pay raises for two of his closest aides.

The aides, Sarah Greenwalt and Millan Hupp, were part of the small group of staffers who had traveled with Pruitt to Washington from Oklahoma, where he had served as attorney general. Greenwalt, a 30-year-old who had worked as Pruitt's general counsel in Oklahoma, was now his senior counsel at the EPA. Hupp, 26, was working on his political team before she moved to D.C. to become the agency's scheduling director.

Pruitt asked that Greenwalt's salary be raised from \$107,435 to \$164,200; Hupp's, from \$86,460 to \$114,590. Because both women were political appointees, he needed the White House to sign-off on their new pay.

According to a source with direct knowledge of the meeting, held in the Eisenhower Executive Office Building, staffers from the Presidential Personnel Office dismissed Pruitt's application. The White House, the source said, declined to approve the raises.

So Pruitt found another way.

A provision of the Safe Drinking Water Act allows the EPA administrator to hire up to 30 people into the agency, without White House or congressional approval. The provision, meant to help expedite the hiring of experts and allow for more flexible staffing, became law in 1996. In past administrations, it has been used to hire specialists into custom-made roles in especially stressed offices, according to Bob Perciasepe, a former acting EPA administrator.

After the White House rejected their request, Pruitt's team studied the particulars of the Safe Drinking Water provision, according to the source with direct knowledge of these events. By reappointing Greenwalt and Hupp under this authority, they learned, Pruitt could exercise total control over their contracts and grant the raises on his own.

Pruitt ordered it done. Though Hupp and Greenwalt's duties did not change, the agency began processing them for raises of \$28,130 and \$56,765, respectively, compared with their 2017 salaries. Less than two weeks after Pruitt had approached the White House, according to time-stamped Human Resources documents shared with *The Atlantic*, the paperwork was finished.

Word of the raises quickly began to circulate through the agency. The episode infuriated some staffers; to some political aides, it was evidence of Pruitt's disregard for the White House's warnings to cabinet officials that they avoid even the appearance of impropriety. It also underscored the administrator's tendency to play favorites among his staff, according to two sources with direct knowledge of agency dynamics. Hupp, in particular, is making more than her Obama-era predecessor, a five-year veteran of the agency who did not break six figures until the final year of the administration, according to public records. (While Greenwalt

has no obvious peer in the Obama administration, the EPA's general counsel had an annual salary of \$155,500 in 2016.)

Said one EPA official, who spoke on the condition of anonymity because they were not authorized to talk to the press: "This whole thing has completely gutted any morale I had left to put up with this place."

"The Safe Drinking Water Act provides the EPA with broad authority to appoint scientific, engineering, professional, legal, and administrative positions within EPA without regard to the civil service laws. This is clear authority that has been relied on by previous administrations," EPA spokesman Jahan Wilcox said in a statement. "The Administrator was not aware that these personnel actions had not been submitted to the Presidential Personnel Office. So, the Administrator has directed that they be submitted to the Presidential Personnel Office for review."

The White House did not return requests for comment.

The unusual hiring scheme comes amid new questions about Pruitt's ethics as administrator. The EPA chief rented a Capitol Hill apartment partly owned by the wife of a top energy lobbyist, paying just \$50 per night for the space, according to an ABC News report last week. Pruitt also faces questions over his use of taxpayer money to make regular first- and business-class flights during his first year in office.

Now, in the wake of Greenwalt and Hupp's salary boosts, government watchdogs are deepening their probe of Pruitt's use of the Safe Drinking Water Act.

Last May, Senate Democrats pressed the agency for answers about Pruitt's embrace of the provision. That month, for example, Pruitt used the law to hire Nancy Beck, a long-time lobbyist for the chemical industry, as the deputy head of the Office of Chemical Safety and Pollution Prevention. Historically, that role has been filled by a career civil servant or a political appointee.

Because she was hired administratively, and not appointed by the White House, Beck did not have to sign President Trump's ethics pledge, which mandates that Trump officials cannot work on an issue on which they had lobbied in the previous two years. Senators Tom Carper and Sheldon Whitehouse, top Democrats on the

Environment and Public Works Committee, sent a letter to the Government Accountability Office requesting a probe into Beck's hiring. They were concerned, chiefly, that Pruitt was using the Safe Drinking Water hiring authority as a way for new employees to evade the ethics pledge.

"[The Safe Drinking Water Act] can be a legitimate way to bring on skilled experts the EPA needs to protect Americans' health and safety, but Administrator Pruitt seems more interested in using it to skirt ethics requirements, like the president's order banning hires from working on matters involving former employers or clients," Whitehouse said in a statement provided to *The Atlantic*.

Last October, Senator Bob Menendez wrote to the EPA inspector general requesting an investigation of the agency's use of the Safe Drinking Water hiring authority, among other matters. The IG agreed to take up the investigation two months later, but it wasn't until March that they began seriously questioning the EPA's top political appointees about potential abuse of the hiring authority.

Now, staffers are waiting to see how officials will address the raises.

"It's a complete coincidence that Pruitt went behind the White House's back and used this in the most unethical way possible, just as the [inspector general] starts asking questions," said one EPA staffer. "Now they just have to connect the dots."

It's not as though Pruitt is the first EPA administrator to lean on the Safe Drinking Water Act hiring authority. EPA veterans of both the George W. Bush and Barack Obama administrations said they were well-acquainted with the provision. But of the half-dozen former top EPA staffers interviewed for this article, not one could comprehend using it as a means of increasing salaries—especially following a rejection from the White House.

"I can't imagine that being done in the regime in which I served," said Stan Meiburg, a former acting deputy administrator of the EPA in the Obama administration. "It would have been very controversial. The accusation that would have been pinned on the administrator was that they were trying to give a private benefit using public funds."

Meiburg, who spent his career at the EPA after joining as career staff in 1977, said that "ADs"—the internal shorthand for "administratively determined" hires—were considered a precious commodity inside the agency.

“The number of ADs were monitored very closely by the chief of staff,” he said.
 “To get one was a big deal. To get one was not an easy task.”

Christine Todd Whitman, the first EPA administrator under President George W. Bush, said she couldn’t remember ever reclassifying a political appointee as an AD. “I don’t even remember it being brought up as a potential or something to think about,” she said.

As Meiburg noted, even appearing to convert a political appointee to an AD simply to give a salary raise could prove politically damaging. But other officials said the deeper effects would be felt inside the agency, where a transparent show of favoritism could inflame inter-office tensions and decrease morale. And in an office where staffers already jockey for favor among Pruitt’s “posse,” according to a source who works closely with the EPA, such a backlash is likely.

“It’s already such a toxic work environment,” the source said, requesting anonymity to speak candidly. “It’s hard to see how it could get any worse.”

Over the last several days, as press reports have zeroed in on Pruitt’s living arrangements, this is the scandal that has seized the agency from the inside. If Pruitt was on thin ice with the White House before, the acceleration of the inquiry into his payroll practices may shatter it.

“We were once the president’s favorite,” said the EPA official. “Now we’re the problem child.”



Pruitt spent at least \$9,600 on decor, desks: email

BY TIMOTHY CAMA AND MIRANDA GREEN - 05/22/18 07:03 PM EDT

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Environmental Protection Agency (EPA) head Scott Pruitt spent at least \$9,600 to decorate his personal office with Smithsonian artwork, a refurbished desk and other framed items, according to an internal document obtained by The Hill on Tuesday.

EPA paid \$1,950 for labor and delivery charges on three pieces of artwork loaned from the Smithsonian Institution to Pruitt's executive office suite and spent over \$2,500 to frame items that included a photo of him with President Trump and an American flag. Additionally, the document confirms earlier reports that agency officials paid \$2,963 for a standing "captain's" desk and another \$2,075 to refurbish another office desk for the administrator.

The costs were tallied in a chart emailed to an EPA staffer in the general counsel's office last week that was labeled "expenses."

While the Smithsonian doesn't charge federal agencies to rent items, the costs for the three paintings — one by William Louis Sonntag Sr., the others being portraits of Founding Fathers John Marshall and James Monroe — were labelled as for labor and delivery.

Smithsonian spokeswoman Linda St. Thomas said the funds went to a company that handles and deliveries artwork for federal agencies, not to the museums that own the pieces. Federal agencies and presidents routinely borrow works of art from the Smithsonian.

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However, the expenses listed for Pruitt appear to surpass the \$5,000 limit set by Congress for redecoration costs. When the costs exceed that amount, an agency must notify lawmakers before authorizing the payment.

EPA spokesman Jahan Wilcox defended the expenditures Tuesday and said that many of them do not count as costs to furnish Pruitt's office.

The refurbished desk, Wilcox said, was offered to Pruitt by the Office of Administration and Resources Management, which fixed up the desk for Pruitt. The two framed certificates from Pruitt's confirmation are a standard expenditure for EPA heads, Wilcox said, alluding that they were gifts. He also said one of the paintings, whose labor and care cost EPA \$1,200, and the \$916.15 American flag were hung in a "lobby." Wilcox could not specify whether the lobby was part of Pruitt's office suite.

After taking those out, Pruitt's total office furnishing costs fall just below the \$5,000 limit, according to Wilcox.

"Every cabinet official gets \$5,000 to furnish their office and we have spent \$4,984.06," Wilcox said.

Wilcox additionally mentioned that Pruitt's office had portraits of Abraham Lincoln and Henry Clay on loan from the National Gallery of Art and National Portrait Gallery, while the EPA breakdown of expenses obtained by The Hill did not include costs for those items.

Kevin Chmielewski, a former EPA aide turned whistleblower, detailed the artwork, desk and framed item expenses to Democratic congressional staff in an interview last month.

Five top Democrats leaders sent a letter to Pruitt and copied Trump saying Chmielewski said Pruitt spent "well beyond the \$5,000 allowed by law to decorate your office, including refinishing an antique desk, purchasing an additional standing desk, paying leases for art on loan from the Smithsonian Institution, framing an 8x10 foot United States flag, and building a \$43,000 soundproof booth."

Speaking to The Hill Tuesday, Chmielewski said he was responsible for personally getting the various items framed for Pruitt's office, adding Pruitt had promised at the time to reimburse EPA for the framed photo of him and Trump that included the pen Trump used to sign an executive order on environmental regulations.

"The framed photo of himself was supposed to be paid out of his pocket with 100 percent certainty," Chmielewski said. "Here's the irony of that, he's going to want that after he leaves EPA. That's why I thought it was no big deal he said that he'd pay for it."

Chmielewski said both the captain's desk and the framed flag were placed in the waiting area of Pruitt's executive suite.



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The Government Accountability Office ruled last month that another expense in Pruitt's office, the construction of a \$43,000 soundproof booth, broke the law that establishes the price cap because the agency failed to get prior congressional approval.

Pruitt has been under heavy scrutiny for his use of taxpayer money, including the around \$3 million spent on his security detail and authorizing significant wage increases for two aides who moved to D.C. from Oklahoma, raises that were reversed amid public outcry.

Last week, lawmakers grilled Pruitt on his office expenses at a Senate Appropriations subcommittee hearing. "As I look back on those decisions, I would not make the same decisions again," he told senators.

He blamed the misspending on not having proper internal procedures in place and promised that they have since been changed.

"Some of the areas of criticism are, frankly, areas where processes at the agency were not properly instituted to prevent certain abuses from happening," he said at the hearing.

— This was updated at 2 p.m. Wednesday.

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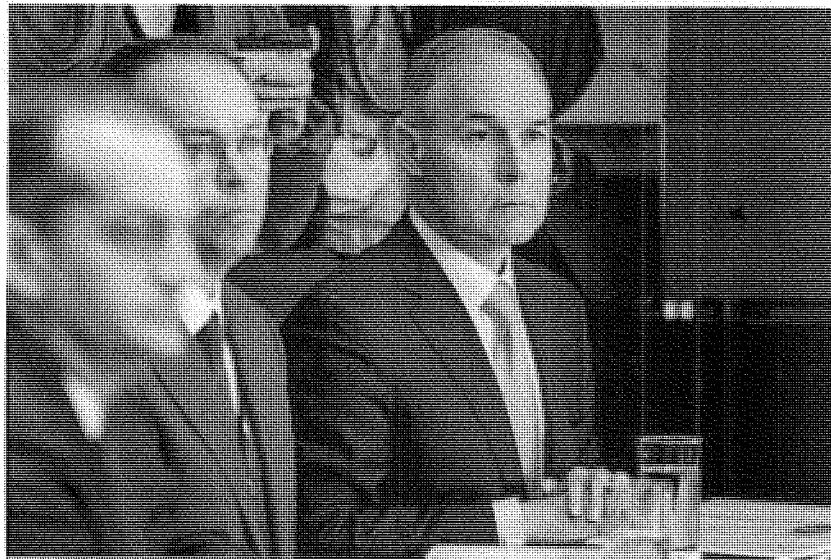
Former Pruitt aide alleges wasteful spending, extravagant travel by EPA chief - The Washington Post



Energy and Environment

Former Pruitt aide alleges wasteful spending, extravagant travel by EPA chief

By Brady Dennis and Juliet Eilperin April 12 [Email the author](#)



EPA chief Scott Pruitt listens to President Trump speak to the media before a meeting with his Cabinet this week. (Jim Lo Scalzo/EPA-EFE/Shutterstock)

A former senior aide to Environmental Protection Agency Administrator Scott Pruitt has given congressional

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Former Pruitt aide alleges wasteful spending, extravagant travel by EPA chief - The Washington Post

investigators a detailed list of what he describes as Pruitt's wasteful spending and unethical behavior, according to a letter signed Thursday by Democrats in both houses of Congress.

Kevin Chmielewski, a former Trump campaign aide who until recently served as Pruitt's deputy chief of staff for operations, told congressional staffers that Pruitt routinely pushed for unjustified expenditures on his travel, lodging and changes to his office, and that he marginalized employees who questioned his directives.

The allegations are included in a letter to Pruitt sent Thursday by five Democrats in the House and Senate, including Rep. Elijah E. Cummings (Md.) and Sen. Thomas R. Carper (Del).

EPA officials previously have dismissed Chmielewski as one of a group of "disgruntled" employees who were dismissed or reassigned. Chmielewski has said he was removed from his position and placed on administrative leave after refusing to approve inappropriate expenditures.

"We will respond to Members of Congress through the proper channel," EPA spokesman Jahan Wilcox said in a statement Thursday.

Many of Chmielewski's assertions have previously been reported, but his allegations against Pruitt — which stretch on for several pages — offer a firsthand accounting of what he saw behind closed doors at the EPA.

Chmielewski claims that Pruitt often chose travel destinations based on a desire to visit particular cities or countries rather than official business, according to the letter. He said Pruitt also directed staffers to book flights on Delta, even when it was "not the federal government's contract carrier for the route," in order to accrue more frequent flier miles. He also said Pruitt routinely asked his staff to "find reasons" for the administrator to travel to Oklahoma, so that he could then remain in his home state for long weekends, often at taxpayer expense.

In addition, Chmielewski claimed that Pruitt "frequently stayed in hotels that exceeded the allowable U.S. government per diem," and that while planning trips to Italy and Australia — the latter trip was canceled — Pruitt refused to stay at hotels recommended by the U.S. Embassy, even though the hotels suggested by embassy officials "had law enforcement and other U.S. resources on site."

A current EPA official, who spoke on the condition of anonymity to speak frankly, said Pruitt had pushed to stay in a boutique hotel in Australia but not in Italy, as Chmielewski has told investigators.

Pruitt repeatedly opted to stay in Sofitel chain hotels both domestically and overseas, according to multiple aides, even when those costs exceeded the allowed government per diem.

Chmielewski also claimed that Pruitt's chief of staff, Ryan Jackson, was excluded from scheduling meetings about the EPA leader's travel after raising concerns about his expenditures, according to the letter.

Chmielewski's allegations extend to a series of other questions about spending and management decisions for which Pruitt is facing scrutiny. He said the EPA administrator far exceeded the amount allowed on alterations to his office, including refinishing a desk and purchasing another one and ordering a custom-built soundproof phone booth for \$43,000.

He also asserted that Pruitt had a trusted aide, Millan Hupp, "act as a personal real estate representative" and directed Hupp to look into a possible \$100,000-per-month private jet lease, an idea that was ultimately dropped. Chmielewski also said Pruitt was in favor of steep raises given to Hupp and another aide, despite the lack of White House approval.

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Brady Dennis is a national reporter for The Washington Post, focusing on the environment and public health issues. He previously spent years covering the nation's economy. Dennis was a finalist for the 2009 Pulitzer Prize for a series of explanatory stories about the global financial crisis. . Follow @brady_dennis

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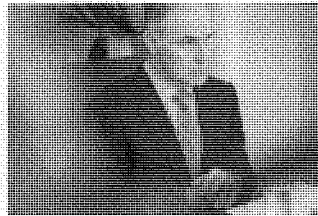
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Scott Pruitt's security detail cost nearly \$3.5 million his first year, agency reports

By Juliet Eilperin May 25 [Email the author](#)



Environmental Protection Agency Administrator Scott Pruitt listens as President Trump speaks during a Cabinet meeting May 9. (Jabin Botsford/The Washington Post)

The round-the-clock security detail for Environmental Protection Agency Administrator Scott Pruitt cost taxpayers almost \$3.5 million during his first year in office, according to figures published Friday by the agency.

The EPA spent more than \$2.7 million on agents' salaries and roughly \$760,000 on travel costs as part of that coverage, records released under the President John F. Kennedy of Information Act show. The amount is nearly double what taxpayers paid annually on average to provide security for Pruitt's two immediate predecessors, Gina McCarthy and Lisa Jackson, during their tenures.

Pruitt received 24-7 protection starting on his first day, according to documents released earlier this month by the EPA's inspector general. Then-senior White House adviser Don Benton first ordered the round-the-clock detail on Feb. 12 out of concern that President Trump's controversial policies could make Pruitt a target, emails obtained by The Washington Post show, and then Pruitt opted to maintain that level of protection.

As a result, the size of the administrator's security entourage has tripled, and agents accompany him not only on official travel but also during weekend trips home to Tulsa and vacations to states such as Kentucky and California.

The EPA's figures indicate the cost of covering previous administrators annually averaged less than \$1.9 million over the past eight years.

In an email Friday, EPA spokesman Jahan Wilcox again pointed to the verbal and written threats Pruitt had received since joining the Cabinet. Both the administrator and his aides have said Pruitt delegated decisions about his level of protection, as well as related decisions such as traveling first class for safety, to the head of his detail, Pasquale "Nino" Perrotta. Perrotta, who came under congressional scrutiny for his role in several key EPA spending decisions, retired recently.

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Scott Pruitt's security detail cost nearly \$3.5 million his first year, agency reports - The Washington Post

"Administrator Pruitt has faced an unprecedented amount of death threats against him, and to provide transparency EPA will post the costs of his security detail and proactively release these numbers on a quarterly basis," Wilcox said. "Americans should all agree that members of the President's Cabinet should be kept safe from violent threats."

But environmentalists such as Lori Ann Burd, director of the environmental health program at the advocacy group Center for Biological Diversity, questioned whether such spending was justified.

"It's deplorable that Pruitt has spent millions of taxpayer dollars simply to avoid facing taxpayers' criticism of his poisonous policies," Burd said in a statement. "He's willing to loosen restrictions on pesticides and air pollutants known to harm and kill people and wildlife, but he's unwilling to answer to the people he is harming. This is a new level of cowardice for the Trump administration."

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[Pruitt requested, received, 24-7 security starting on his first day](#)

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[First-class travel distinguishes EPA chief Pruitt's tenure](#)



Juliet Eilperin is The Washington Post's senior national affairs correspondent, covering how the new administration is transforming a range of U.S. policies and the federal government itself. She is the author of two books — one on sharks and another on Congress, not to be confused with each other — and has worked for The Post since 1998. [Follow @eilperin](#)

Scott Pruitt's \$43,000 soundproof phone booth violated spending laws, federal watchdog finds - The Washington Post

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Scott Pruitt's \$43,000 soundproof phone booth violated spending laws, federal watchdog finds

By Brady Dennis and Juliet Elperin April 16 [Email the author](#)

The Washington Post

The nearly \$43,000 soundproof phone booth Environmental Protection Agency Administrator Scott Pruitt had installed in his office last year violated federal spending laws, the Government Accountability Office said Monday.

In an eight-page letter to lawmakers, GAO general counsel Thomas H. Armstrong said the agency failed to notify lawmakers that it was exceeding the \$5,000 limit for agency heads to furnish, redecorate or otherwise make improvements to their offices. In addition, Armstrong wrote, the agency also violated the federal Antideficiency Act, "because EPA obligated appropriated funds in a manner specifically prohibited by law."

The EPA had argued that the almost \$25,000 customized phone booth — which required painting, concrete and

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electrical work totaling more than \$18,000 to reconfigure the small closet area where it was placed — was not part of a redecoration of Pruitt's office and should not be subject to the \$5,000 cap.

While the agency maintains other areas in its building where officials can place secure calls, and while none of Pruitt's predecessors have had such a setup, the agency argued the privacy booth allows Pruitt to "make and receive calls to discuss sensitive information ... (up to the top secret level) for the purpose of conducting agency business." It also argued that the booth was "analogous to other functional items an employee might require to perform his job duties such as a high speed computer, high speed copier/scanner, or television."

The GAO did not buy those arguments. Rather, Armstrong wrote the booth met the criteria to be included under federal requirements that dictate agency heads stick to a \$5,000 limit in upgrading their offices. As such, he wrote, "EPA was required to notify appropriations committees of its proposed obligation."

Armstrong made it clear Monday the decision was not a ruling on whether the EPA and Pruitt should have installed the high-priced phone booth to begin with.

"We draw no conclusions regarding whether the installation of the privacy booth was the only, or the best, way for EPA to provide a secure telephone line for the Administrator," he wrote. "EPA's failure to make the necessary notification is the only subject of this opinion."

In an email Monday, EPA spokeswoman Liz Bowman reiterated Armstrong's point, saying GAO "recognized" the "need for employees to have access to a secure telephone line" when handling sensitive information."

"EPA is addressing GAO's concern, with regard to congressional notification about this expense, and will be sending Congress the necessary information this week," Bowman said, adding EPA's general counsel had reached a different legal conclusion from GAO and did not believe the agency needed to give lawmakers advance warning about the upgrade.

Sen. John Barrasso of Wyoming, the Republican chairman of the Senate committee that oversees the EPA, said in a statement Monday that the agency owes lawmakers an explanation. "It is critical that EPA and all federal agencies comply with notification requirements to Congress before spending tax payer dollars," Barrasso said. "EPA must give a full public accounting of this expenditure and explain why the agency thinks it was complying with the law."

Rep. Betty McCollum (D-Minn.), one of several lawmakers who requested the GAO review, said in a statement Monday "there are few greater examples of government waste than a \$43,000 phone booth. Now we know that the purchase wasn't just unnecessary and wasteful, but actually illegal. The American people deserve so much better than the culture of corruption, cronyism, and incompetence that is pervasive in the Trump administration and the Pruitt EPA."

The elaborate overhaul EPA officials had to make to accommodate the privacy booth in a closet within the administrator's suite escalated the original cost of the booth from \$24,570 to \$42,729, according to federal records. The Washington Post first reported the existence of the booth last September and the additional costs associated with it last month.

EPA officials, including Pruitt himself, have consistently said the administrator needs a secure area to talk to White House officials and others in the administration. Testifying before the House Energy and Commerce Committee in December, Pruitt likened the booth to a Sensitive Compartmented Information Facility, or SCIF.

"It's necessary for me to be able to do my job," he told lawmakers.

Scott Pruitt's \$43,000 soundproof phone booth violated spending laws, federal watchdog finds - The Washington Post

No previous EPA leaders, however, have had such a setup. The agency has long maintained a SCIF on a separate floor from the administrator's office, where officials with proper clearances can go to share information classified as secret. Pruitt's aides have never specified what aspects of that facility might be outdated, or whether the unit now inside the administrator's office meets the physical and technical specifications generally required for a SCIF. Even Armstrong noted Monday that the agency "did not state whether the booth has been certified" as an SCIF.

To install the booth, the EPA signed a contract last year with Acoustical Solutions, a Richmond-based company. The firm sells and installs various sound-damping and privacy products, from ceiling baffles to full-scale enclosures like the one picked by the EPA. Agency officials ordered a soundproof booth that typically is used to conduct hearing tests, but customized it at an additional expense to ensure private conversations.

"They had a lot of modifications," Steve Snider, an acoustic sales consultant with the company, told The Post at the time.

The EPA also paid a Virginia firm \$7,978 to take out closed-circuit television equipment in the room to accommodate the booth. It also released federal invoices under a Freedom of Information Act request by the left-leaning group American Oversight showing the agency hired one contractor to pour a 55-square-foot concrete block that was more than two-feet thick, at a cost of \$3,470, another to install a drop ceiling for \$3,361, and a third to patch and paint the room for \$3,350.

Separately Monday, EPA's inspector general released a "management alert" that detailed how Pruitt's chief of staff Ryan Jackson had used a provision in the Safe Drinking Water Act to quickly bring on multiple political appointees and later boost their salaries.

The interim report, which stems from a broader, ongoing audit of the agency's use of the law's hiring authority, detailed how Jackson awarded more than a half-dozen appointees generous raises within a year of them joining the EPA. An EPA scheduling and advance director received a 72.3 percent raise last year, according to documents and agency officials, while senior counsel Sarah Greenwalt got a 67.6 percent raise. Other appointees, such as Pruitt's speechwriter Lincoln Ferguson and senior advance associate Forrest McMurray, received at least a 25 percent salary boost in 2017.

The inspector general said Monday's report was intended to "provide certain factual information" but "does not present any conclusions or recommendations."

EPA officials said nearly all of the raises came after these aides had taken on additional responsibilities or had been promoted.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison and career human resources officials," EPA spokesman Jahan Wilcox said, who added the agency had been "responsive" to the inspector general's inquiries. "Salary determinations are made to avoid disparities among positions of equivalent or similar responsibilities, to the extent possible."

Pruitt and his top aides used the law's authority to bring appointees aboard quickly to help implement the Trump administration's agenda. Previous administrations have employed the provision in similar ways, though they do not appear to have used it as often.

Pruitt is not the only Cabinet member to come under scrutiny for redecorating his office without notifying key congressional appropriations committees in advance.

Housing and Urban Development Secretary Ben Carson has come under fire for enlisting his wife Candy's input in upgrading his office, a move that prompted protests from the department's chief administrative officer at the

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time, Helen Foster. Foster was later reassigned and has filed a whistleblower complaint.

Federal records and interviews with HUD employees indicate Candy Carson was consulted multiple times about the redecorating effort that included the purchase of a dining room set costing more than \$31,000.

Last month, Carson told lawmakers when testifying about his budget he was told when he assumed his post that traditionally secretaries redecorate their offices.

"You know, I'm not really big into decorating," Carson added. "If it were up to me, my office would probably look like a hospital waiting room. At any rate, I invited my wife in to come help me."

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EPA spending almost \$25,000 to install a secure phone booth for Scott Pruitt

First class travel distinguishes Pruitt's tenure

HUD Secretary Carson's wife weighed in on redecorating effort, new emails show

Brady Dennis is a national reporter for The Washington Post, focusing on the environment and public health issues. He previously spent years covering the nation's economy. Dennis was a finalist for the 2009 Pulitzer Prize for a series of explanatory stories about the global financial crisis. Follow @brady_dennis

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EPA's Pruitt spent \$1,560 on 12 customized fountain pens from Washington jewelry store - The Washington Post



Energy and Environment

EPA's Pruitt spent \$1,560 on 12 customized fountain pens from Washington jewelry store

By Brady Dennis and Juliet Eilperin June 1 [Email the author](#)



The account manager at the Tiny Jewel Box, which calls itself Washington's "premier destination for fine jewelry and watches," had promised to expedite the order of a dozen customized silver fountain pens — each emblazoned with the seal of the Environmental Protection Agency and the signature of its leader, Scott Pruitt.

Now all that the EPA staff member working with the store needed was for a top Pruitt aide to sign off on the \$3,230 order, which also included personalized journals.

"The cost of the Qty. 12 Fountain Pens will be around \$1,560.00," the staffer emailed Aug. 14 to Millan Hupp, Pruitt's head of scheduling and advance and a trusted confidante dating to his Oklahoma days. "All the other

https://www.washingtonpost.com/...it-spent-1560-on-12-customized-fountain-pens-from-washington-jewelry-store/?utm_term=.88e1295fb9df[6/18/2018 4:52:54 PM]

EPA's Pruitt spent \$1,560 on 12 customized fountain pens from Washington jewelry store - The Washington Post

items total cost is around \$1,670.00 which these items are in process. Please advise."

"Yes, please order," Hupp responded later that day. "Thank you."

The exchange, included among thousands of pages of emails released this week as part of a Freedom of Information Act lawsuit by the Sierra Club, offered another glimpse of the high-end tastes of the EPA chief, who has faced months of scrutiny over his expenditures of taxpayer money on first-class travel, an unprecedented security detail, a \$43,000 phone booth, a top-of-the-line SUV and other office upgrades.

In recent weeks, Pruitt has blamed some of those questionable expenditures on the agency's rank and file, arguing that he often played no role in the decision to spend large sums of money.

"Some of the things that have been in the media are decisions made by career staff — processes that were at the agency that there weren't proper checks and balances," Pruitt told the Washington Free Beacon in an interview this week. He said he had recently instituted changes, including requiring that any expense over \$5,000 related to his duties must be approved by several top agency officials. "I'm having to answer questions about decisions that others made. And that's not an excuse, it's just reality."

But the exchange last summer regarding the order of fountain pens — each of which cost taxpayers \$130 — shows that while Pruitt himself might not have been privy to the minutiae of such decisions, top aides rather than career staffers often were the ones signing off on them.

EPA spokesman Jahan Wilcox defended the purchases, saying in a statement Friday morning that they "were made for the purpose of serving as gifts to the Administrator's foreign counterparts and dignitaries upon his meeting with them. This adheres to the same protocol of former EPA Administrators and were purchased using funds budgeted for such a purpose."

The New York Times reported this spring that Pruitt asked the agency for fountain pens, stationery and leather-bound notebooks "from which he wanted to omit the E.P.A. seal and upon which he wanted to feature his name prominently." Ultimately, the items retained a small version of the seal, according to several people familiar with the orders, the Times reported.

That article, which did not include any cost details, also reported that Pruitt initially sought to refashion the agency's "challenge coin" — a sort of souvenir medallion handed out by many civilian and military leaders in government — by making the coin larger and removing the logo. Pruitt "instead wanted the coin to feature some combination of symbols more reflective of himself and the Trump administration. Among the possibilities: a buffalo, to evoke Mr. Pruitt's home state, Oklahoma, and a Bible verse to reflect his faith," the Times reported.

The agency never ordered new coins.

In a Senate hearing last month, Pruitt came as close as he ever has to publicly acknowledging any personal fault in the ethical decisions that have triggered a dozen federal inquiries, including probes by the EPA's inspector general, the Government Accountability Office and the White House itself.

"There have been decisions over the past 16 months that, as I look back, I would not make the same decisions again," Pruitt told lawmakers.

Weeks earlier, he had told a House hearing that the public scrutiny surrounding him has been driven largely by those who oppose the agency's direction under the Trump administration.

"Those who have attacked the EPA and attacked me are doing so because they want to derail the president's

EPA's Pruitt spent \$1,560 on 12 customized fountain pens from Washington jewelry store - The Washington Post

agenda," Pruitt said. "I'm not going to let that happen."

Andrew Tran contributed to this report.

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Brady Dennis is a national reporter for The Washington Post, focusing on the environment and public health issues. He previously spent years covering the nation's economy. Dennis was a finalist for the 2009 Pulitzer Prize for a series of explanatory stories about the global financial crisis. Follow @brady_dennis

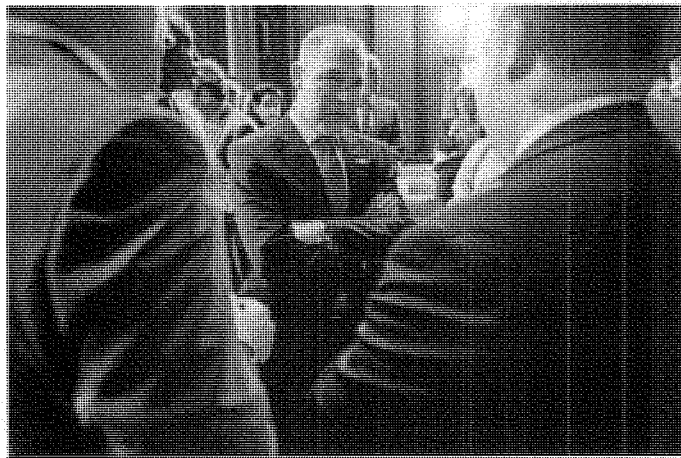
Juliet Eilperin is The Washington Post's senior national affairs correspondent, covering how the new administration is transforming a range of U.S. policies and the federal government itself. She is the author of two books — one on sharks and another on Congress, not to be confused with each other — and has worked for The Post since 1998. Follow @eilperin

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Employees at the Environmental Protection Agency faced career repercussions after questioning the

<https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html>[6/18/2018 5:03:25 PM]



management of the agency's administrator, Scott Pruitt.

The concerns included unusually large spending on office furniture and first-class travel, as well as certain demands by Mr. Pruitt for security coverage, such as requests for a bulletproof vehicle and an expanded 20-person protective detail, according to people who worked for or with the E.P.A. and have direct knowledge of the situation.

Mr. Pruitt bristled when the officials — four career E.P.A. employees and one Trump administration political appointee — confronted him, said the people, who were not authorized to speak publicly.

The political appointee, Kevin Chmielewski, was placed on administrative leave without pay, according to two of the people with knowledge of the situation. Mr. Chmielewski was among the first employees of Donald J. Trump's presidential campaign, serving as a senior advance official. The two people, who are administration officials, said that Mr. Chmielewski flagged some of his concerns about Mr. Pruitt directly to the White House's presidential personnel office.

Two of the career officials, Reginald E. Allen and Eric Weese, were moved to jobs where they had less say in spending decisions and less interaction with Mr. Pruitt, the people said. A third career official, John E. Reeder, joined American University as a temporary "executive in residence" after being told by the E.P.A. to find a new job. And John C. Martin, who served on the security detail, was also removed from the team and had his gun and badge taken away after raising concerns about how Mr. Pruitt's security was being handled.

A sixth official, Mr. Pruitt's chief of staff, Ryan Jackson, also raised questions

E.P.A. Officials Sidelined After Questioning Scott Pruitt - The New York Times

about Mr. Pruitt's spending, according to three E.P.A. officials. He remains in his job but is considering resigning, agency officials said. Mr. Jackson came to the agency from the office of Senator James M. Inhofe, Republican of Oklahoma, who like Mr. Pruitt had been a major critic of regulatory moves made under President Barack Obama, and is a prominent climate change skeptic.

Approval was required by the staff officials for certain of Mr. Pruitt's expenditures, and Mr. Allen, Mr. Chmielewski, Mr. Jackson and Mr. Reeder at various points each voiced concerns to Mr. Pruitt directly about his spending, according to the two administration officials.

Neither Mr. Jackson nor any of the five officials who left or were removed after questioning Mr. Pruitt would comment when contacted by The New York Times. Before their reassignments or removals, Mr. Weese was the head of Mr. Pruitt's protective detail, and Mr. Reeder, Mr. Allen and Mr. Chmielewski each served as deputy chief of staff.

The White House declined to comment on Thursday, referring questions to the E.P.A., though President Trump, as he boarded Air Force One, said he had confidence in Mr. Pruitt.

And in speaking to reporters on the plane, he described Mr. Pruitt as "very courageous," while suggesting he was reviewing the complaints about him. "I'll make that determination," Mr. Trump said. "But he's a good man, he's done a terrific job. But I'll take a look at it."

The E.P.A. challenged the assertion that the reassignments were related to objections to spending and other management issues. "We dispute the veracity of the accusations," said Jahan Wilcox, a spokesman for the agency.

The staff tumult comes to light as Mr. Pruitt's stewardship of the agency is under mounting scrutiny. He is the subject of an investigation by the E.P.A.'s inspector general, who is examining some of the spending and security issues. The White House confirmed on Wednesday that it was conducting its own examination.

Tensions Rise, Morale Sinks

Several current and former E.P.A. employees said morale at the agency had suffered as they watched the friction play out between Mr. Pruitt and the officials. Christopher Zarba, a career E.P.A. employee who retired in February after leading the agency's scientific advisory boards, said it was well known in the office that Mr. Allen had been sidelined for challenging Mr. Pruitt.

"Brilliant, a natural leader, an off-the-charts-talented guy," Mr. Zarba said of Mr. Allen. "He had to push back on Pruitt on some of the trip and office modification expenses to keep everything legal, and we speculated he might have been removed for that reason."

A senior political appointee, who came to the agency with the Trump administration and works on policy issues, offered a defense of Mr. Chmielewski: "Kevin is one of the most upstanding public servants and nicest all-around people. Just because he stood up to what was clearly a bad idea, they are trying to sabotage the poor guy's reputation."

Mr. Pruitt declined to be interviewed for this article, but he has spoken with conservative media organizations. In those interviews, he has cried foul about a flurry of media reports about his regular first-class travel, his use of an obscure administrative provision to increase the salaries of two favored aides (over White House objections) and his below-market rental agreement for accommodations in Washington with the wife of an energy lobbyist whose clients won favorable treatment from the E.P.A.

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Kevin Chmielewski, right, a deputy chief of staff at the E.P.A., was placed on administrative leave after months of raising objections to Mr. Pruitt's security spending. [Delmarvanow.com](https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html)

The disclosures, he has suggested, were the handiwork of critics who were resorting to personal attacks to derail the deregulatory agenda being pursued by his agency and the Trump administration. Since taking the administrator's job in February 2017, Mr. Pruitt has advanced one of the administration's most aggressive regulatory rollbacks, including regulations intended to tighten rules related to coal-burning power plants, oil and gas drilling, auto and truck air emissions, and pesticides.

Yet the revelations about his staff turnover, which have not been previously reported, demonstrate that concerns about his spending and leadership resonated within his own team well before they became the subject of media reports and investigations by the E.P.A. inspector general and the White House.

Agency records obtained through open-records requests show the critical role that Mr. Allen, Mr. Chmielewski and Mr. Reeder played in reviewing Mr. Pruitt's travel plans. In some instances, several agency officials said, pushback by the officials prevailed.

For instance, in a conversation with one of Mr. Pruitt's closest aides, Mr. Chmielewski sharply objected to a proposal to buy a \$100,000-a-month charter aircraft membership that would have allowed Mr. Pruitt to take unlimited private jet trips for official business, according to two administration officials. The membership was not purchased.

Mr. Chmielewski also objected to a proposal to spend about \$70,000 to replace two desks in Mr. Pruitt's office suite, including his personal desk and one at a security station outside his office. Asked about the proposed desk purchases, Mr. Wilcox, the E.P.A. spokesman, said that "the administrator never considered the proposal." Pasquale Perrotta, who became head of Mr. Pruitt's security detail after Mr. Weese was removed, insisted that the security desk be upgraded to a bulletproof model, according to current and former E.P.A. employees with direct knowledge of the discussions.

The bulletproof security desk was not purchased, but two new desks were ordered for Mr. Pruitt's personal office: a brown maple wood stand-up desk, with brass locks, that was purchased from a craftsman and an oversize desk with ornate woodworking that had been in a federal government warehouse in Virginia and was refurbished for Mr. Pruitt at a cost of \$2,075. E.P.A. employees gawked at the size and grandeur of Mr. Pruitt's refurbished desk, with some comparing it to the Resolute Desk in the Oval Office, officials said in interviews.

Still, Mr. Pruitt and his team obtained many of the perks he wanted. Staff members questioned, but nonetheless approved, frequent trips that routed Mr. Pruitt through hub airports that allowed him to spend weekends at his home in Oklahoma. The administrator also had charter flights approved after they were already taken, the public records show.

"This memorandum responds to your request for written approval for the Administrator and three EPA employees to use a charter service to fly from Denver to Durango, CO on August 4, 2017," read a memo written in late August, after the trip was completed. The approval covered a charter flight to tour the Gold King Mine near Silverton, Colo., after Mr. Pruitt's commercial flight to

Denver was delayed. This 40-minute flight cost \$5,719, the records show.

Other memos released through the open-records law show that Mr. Allen handled requests for renovations to Mr. Pruitt's office. "I spoke to Gayle and we can proceed as it is not part of the \$5,000," read an email to Mr. Allen in April 2017, as staff members were being pressed to find a way to spend more on office renovations than was allowed under federal guidelines. In this case, the expenditure involved a biometric lock and was not counted against Mr. Pruitt's furniture budget. "Approved," Mr. Allen wrote back.

The documents do not reflect the behind-the-scenes friction between Mr. Pruitt and the senior officials, but several agency staff members said in interviews that they avoided putting objections into writing because they suspected there would ultimately be an investigation into the matters.

Mr. Weese, the security official, questioned Mr. Pruitt's desire to use flashing lights and sirens in his motorcade — a perk more commonly associated with the presidency — according to three of the people who worked with or for the E.P.A.

Mr. Pruitt, who often ran late, wanted to use the lights and sirens to expedite local trips in Washington to the airport or to dinner, including at least one trip to Le Diplomate, a trendy French restaurant that he frequented. Such use was not consistent with agency policy, but Mr. Weese was unsuccessful in stopping it.

The agency said Mr. Pruitt played no role in deciding when the sirens and lights would be used. "The security detail for the past 15 years has used them in very limited fashion," Mr. Wilcox said.

Mr. Weese was also reluctant to sign off on requests for Mr. Pruitt to travel in first class based on security concerns. Mr. Allen, Mr. Chmielewski and Mr. Reeder, too, questioned the use of taxpayer money to pay for first-class airfare. Only after Mr. Weese was replaced by Mr. Perrotta did Mr. Pruitt regularly fly first class, agency staff members said.

There were also questions raised about a request that Mr. Pruitt be issued a bulletproof sport utility vehicle with so-called run flat tires, which keep a vehicle

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moving even when sustaining gunfire. And they challenged Mr. Pruitt's expanded security detail of approximately 20 members, three times the size of his predecessor's. Unlike his most recent counterpart under Mr. Obama, Gina McCarthy, Mr. Pruitt has security officials follow him wherever he travels, and also stay on duty overnight.

"He wanted to be treated like he was the president," said David Schnare, a prominent conservative lawyer and climate change skeptic, who served on the Trump administration transition team at the E.P.A., after an earlier 30-year stint at the agency that started in the late 1970s.

Mr. Wilcox, the agency spokesman, said the larger security team was justified, given threats against Mr. Pruitt. "They run the variety of direct death threats — 'I'm going to put a bullet in your brain' — to implied threats — 'If you don't classify this particular chemical in this particular way, I'm going to hurt you.'"

There was a particularly intense dispute over a request to construct a special security booth in Mr. Pruitt's office so he could have confidential conversations without being overheard by career agency employees, according to interviews and public documents first reported by The Washington Post.

In Washington, Mr. Pruitt lived in a property that was co-owned by the wife of an energy lobbyist whose firm conducted business before the E.P.A. — Alex Wong/Getty Images

Mr. Chmielewski suggested converting a broom closet at a cost of about \$10,000, one person who worked with the agency said. But Mr. Perrotta wanted a special chamber with sound-dampening privacy products and ceiling baffles that would prevent anyone from intercepting voice or data transmissions. The documents show that the final cost of the new chamber was close to \$43,000.

Mr. Perrotta also remains an executive at a private security firm, Sequoia Security Group, which separately received a contract from the E.P.A. to conduct a security sweep of Mr. Pruitt's office, a deal that is now the subject of an investigation by the agency's inspector general. He did not respond to a request for comment.

A String of Departures

The various challenges to Mr. Pruitt's spending and security priorities did not sit well with him, according to the people who worked with or for the E.P.A., and soon the offending aides were removed.

Mr. Allen, a decorated 30-year retired Army officer, was transferred to a different office within the E.P.A., where he mostly works alone, according to two agency officials, one of whom described the setup as "an unmarked grave."

Mr. Weese was transferred from the security detail to a more general position in the agency's criminal investigation division.

Mr. Reeder remains an employee of the E.P.A. while on temporary leave to work at American University. He has been a senior executive at the agency since early in George W. Bush's presidency, but left for American University after many of his responsibilities were taken away from him.

Mr. Martin, who served on Mr. Pruitt's security detail, raised concerns about Mr. Perrotta and matters related to Mr. Pruitt's security arrangements, such as the soundproof booth. He was then told he could no longer be part of the security detail, which he had been a part-time member of for more than a decade, according to two people with knowledge of the events. Mr. Martin became the target of an inquiry by the agency's inspector general, which ultimately cleared him of wrongdoing, according to documents reviewed by The Times.

The removal of Mr. Chmielewski, the former Trump campaign official, proved more complicated.

As a presidential appointee, Mr. Chmielewski was classified as a member of the senior executive service pay system, and remained in close contact with top aides to both Mr. Trump and Vice President Pence.

Even while at the E.P.A., Mr. Chmielewski helped facilitate trips for Mr. Pence and sometimes traveled with him. And he had a personal connection with Mr. Trump, who had called him to the podium during a campaign rally in April

2016 in Maryland, where Mr. Chmielewski grew up.

“Where the hell is Kevin?” Mr. Trump said at the event. “He’s a star. Where is Kevin? Get Kevin up here.”

Some internal agency memos detailing Mr. Pruitt’s travel plans list Mr. Chmielewski as the coordinator, and as the senior political appointee, he had to ensure that they were properly authorized. Privately, he urged Mr. Pruitt to rein in his spending, initially in person, and then through intermediaries when he got frozen out, according to the two administration officials.

When Mr. Chmielewski returned from a trip to Asia with Mr. Pence in February, he was asked to resign and turn in his credentials. Mr. Pruitt’s aides informed the White House that they were dissatisfied with Mr. Chmielewski’s unresponsiveness during his travels, including a time when he could not be reached in Hawaii, where he was preparing for a visit by Mr. Pence.

An anonymous complaint filed with the E.P.A.’s inspector general alleged that Mr. Chmielewski could not get the appropriate level of security clearance for his duties because of various indiscretions. After a brief investigation, the inspector general dismissed all the allegations in the complaint as unfounded, according to documents reviewed by The Times.

Mr. Chmielewski told associates that he believed the complaints were an effort by Mr. Perrotta and others to discredit him.

Separately, Mr. Chmielewski has been the subject of allegations that he was the source of leaks about Mr. Pruitt, and also that he was staying free in the same Capitol Hill home where Corey Lewandowski, Mr. Trump’s first campaign manager, lives. Someone familiar with the arrangement acknowledged that Mr. Chmielewski, a longtime friend of Mr. Lewandowski, had slept at the home, but said it was only one night and on a couch.

The crescendo of criticism of Mr. Pruitt has rallied his defenders, including the Tea Party Patriots and the Heritage Foundation, who in recent days have blasted out endorsements of his management of the agency on social media and in opinion columns. It has also empowered his critics, even from within his own

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Republican Party.

William K. Reilly, who led the E.P.A. under President George Bush, called Mr. Pruitt a “third-rate ideologue” and said he was aware of staff members who had been sidelined at the agency for raising questions about Mr. Pruitt’s spending.

“I think he’s well beyond his sell-by date,” Mr. Reilly said. “Any administration but this one would have discharged him long ago.”

A version of this article appeared in print on Page A1 of the New York edition with the headline: Officials at E.P.A. Board Clinging And Were Fought. Order Reprints | Today's Paper | Subscribe



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1 2 3 4 5 6 7 8

June 19, 2018

United States Senate
Washington, DC 20510

RE: Oppose Peter Wright's Nomination to lead U.S. Environmental Protection Agency's Office of Land and Emergency Management

Dear Senator:

We, the undersigned groups, represent people across the United States who are deeply concerned about releases of toxic chemicals from facilities in their communities, and the associated health, safety, and environmental harms. We are writing to urge you to oppose the confirmation of Dow Chemical Company's managing counsel, Mr. Peter C. Wright, to serve as the Assistant Administrator of the U.S. Environmental Protection Agency (EPA) Office of Land and Emergency Management (OLEM).¹ Due to his nearly two decades of work protecting the interests of a corporation with a striking record of hazardous chemical releases and toxic waste sites, Mr. Wright should not be granted the responsibility and decision-making authority to lead OLEM, which would require him to implement and enforce vital health, safety, and environmental laws against his current employer and others like it.

Having spent the bulk of his legal career working on behalf of chemical companies from the inside, Mr. Wright should never have been considered for this position, much less nominated. For almost twenty years, Mr. Wright has represented Dow, now DowDuPont, Inc., one of the world's largest chemical companies and a member of the American Chemistry Council (ACC).² The ACC is an industry trade association that has long fought against protections from toxic chemicals.³

DowDuPont's recent SEC Form-10K reports over 100 Superfund sites between Dow and DuPont.⁴ An April 2018 EPA document connects Dow, DuPont and their subsidiaries to more than 150 toxic waste sites throughout the country under the federal Superfund program—in states ranging from CT, DE, NJ, NY, PA, RI, and VT in the New England/Northeast corridor, to AZ, CA, CO, WA, and even HI, in the West, throughout the Gulf and many other Southern states, and in many Midwestern states including KS, IL, IN, MO, MN, and OH.⁵ Should Mr. Wright run OLEM, he will oversee that program, as well as the federal hazardous waste regulatory program that Dow and ACC have sought to weaken for decades.⁶

The White House's nomination announcement states that Mr. Wright "has led Dow's legal strategies regarding Superfund sites and other Federal and State-led remediation matters."⁷ A 2016 description of Mr. Wright's work, published by THG Advisors, highlights as one example: "Dow's largest and most significant environmental matter,"⁸ the dioxin contamination at Dow's Midland, Michigan facility.⁹ In addition, *The Intercept* reports that Dow stated that Mr. Wright has been directly involved in negotiations on 14 Superfund sites, but the names of those sites and other similar matters have not been publicly disclosed.¹⁰ Alarming, during his time at Dow,

Mr. Wright has questioned well-established, peer-reviewed scientific data and the U.S. EPA's expert evaluation finding that exposure to dioxins poses a serious threat to human health.¹¹

As the head of OLEM, Mr. Wright would also be charged with implementing the Risk Management Program (RMP), including the most recent update to modernize chemical facility safety in the United States via the Chemical Disaster Rule that Administrator Pruitt has suspended and is now under reconsideration.¹² The ACC filed a lawsuit challenging this new rule and is part of a case in which it is defending EPA's sudden delay of life-saving protections, and calling for the weakening of that rule and program, which regulates 12,500 chemical facilities, including over 50 DowDuPont and subsidiary facilities.¹³ From 2004 to 2016, EPA data show that Dow, DuPont, and their subsidiaries together averaged 7 chemical disaster incidents per year, for a total of 99 fires, explosions, or other hazardous releases under the existing RMP.¹⁴ According to EPA's data, these incidents led to the deaths of 6 workers, injured or caused over 200 people to be hospitalized or seek medical treatment, forced over 12,000 people to shelter-in-place or evacuate, and caused over \$67.5 million in property damage.¹⁵

To allow Mr. Wright to take control of these critical programs would be a grave violation of the public trust. At a minimum, it would create an appearance of partiality in favor of the chemical industry that would undermine the foundation of good government. We need someone at the helm of OLEM who can be expected to vigorously protect the health and safety of millions of Americans—including those living in low-income communities and communities of color that face extreme environmental injustices—from the mismanagement of wastes and toxic chemicals.

From the Love Canal and Bhopal tragedies to the current lists of hazardous waste sites and chemical disasters, there is no shortage of proof that companies handling toxic chemicals must be *more* not less strictly regulated for the protection of our health and environment. Given his long history of representing one of the polluting companies he would now be charged with regulating, Mr. Wright is the wrong person for this job. As in-house counsel to a major chemical company whose activities are regulated by OLEM, Mr. Wright has not shown that he has a commitment to serving the public and protecting health, as is required to lead this important part of EPA.

At the very least, we ask you to insist and ensure, through all available oversight mechanisms, that if Mr. Wright is confirmed, he must publicly disclose all matters involving OLEM in which he has ever had any involvement and all matters involving OLEM in which he or his former employers and clients have any current interest. He also should be required to recuse himself from all such matters, as well as any matters (including rulemakings) where there is an appearance of partiality on his part in favor of the chemical industry or other regulated parties. Thank you for your time and for considering our concerns.

Respectfully,

350 New Orleans (LA)
Action for a Livable Future
Alaska Community Action on Toxics (AK)
Altamaha Riverkeeper (GA)

American Legion Post 6 (CA)
 Apostolic Faith Center (CA)
 As You Sow
 Black Warrior Riverkeeper (AL)
 Breast Cancer Prevention Partners
 California Communities Against Toxics (CA)
 California Kids IAQ (CA)
 California Safe Schools (CA)
 Cease Fire Campaign
 Center for Biological Diversity
 Center for Environmental Health
 Citizens for Safe Water - CSWAB.org
 Citizens' Environmental Coalition (TX)
 Clean Water Action
 Climate Law & Policy Project
 ClimateMama
 Coalition For A Safe Environment (CA)
 Coming Clean
 Comité Diálogo Ambiental, Inc (PR)
 Community Dreams (CA)
 Del Amo Action Committee (CA)
 Desert Citizens Against Pollution (CA)
 Don't Waste Arizona (AZ)
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 Environmental Advocates of New York (NY)
 Environmental Health Strategy Center
 Environmental Integrity Project
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 Farmworker Association of Florida (FL)
 Food & Water Watch
 Gas Free Seneca (NY)
 Good Neighbor Steering Committee (CA)
 Grand Riverkeeper/LEAD Agency, Inc. (OK)
 Green America
 Green Army
 Greenaction for Health and Environmental Justice
 Greenpeace
 Headwater LLC (WI)
 Health Care Without Harm

Healthy Building Network
 Institute of Neurotoxicology and Neurological Disorders (INND)
 International POPs Elimination Network (IPEN)
 Ironbound Community Corporation (NJ)
 JustPeace
 Kentucky Environmental Foundation (KY)
 Labadie Environmental Organization (LEO) (MO)
 League of Conservation Voters
 Learning Disabilities Association of Maine (ME)
 Louisiana Bucket Brigade (LA)
 Made Safe
 Maryland Pesticide Education Network (MD)
 MELA (Mothers of East Los Angeles) (CA)
 Midwest Environmental Justice Organization
 Moms Clean Air Force
 Montana Environmental Information Center (MT)
 NAACP San Pedro-Wilmington Branch #1069 (CA)
 National Nuclear Workers for Justice
 Natural Resources Defense Council
 New Jersey Work Environment Council (NJ)
 NJ Environmental Justice Alliance (NJ)
 North Louisiana for Earth and Water Justice (LA)
 Nuclear Information and Resource Service
 Operation SPLASH (NY)
 OVEC-Ohio Valley Environmental Coalition (WV)
 Peace Farm
 People Concerned About Chemical Safety (WV)
 Pesticide Action Network
 PFOA Project New York (NY)
 Physicians for Social Responsibility
 Physicians for Social Responsibility - Arizona Chapter (AZ)
 Physicians for Social Responsibility - Greater Boston (MA)
 Physicians for Social Responsibility - Iowa Chapter (IA)
 Physicians for Social Responsibility - Maine Chapter (ME)
 Physicians for Social Responsibility - Oregon (OR)
 Physicians for Social Responsibility - Philadelphia Chapter (PA)
 Physicians for Social Responsibility - San Francisco Bay Area Chapter (CA)
 Physicians for Social Responsibility - TN Chapter (TN)
 PLAN - People for Land And Nature (CA)
 Potomac Riverkeeper Network
 Public Citizen
 Safe Energy Rights Group, Inc.
 San Luis Obispo Mothers for Peace (CA)
 San Pedro & Peninsula Homeowners Coalition (CA)
 Seneca Lake Guardian (NY)
 Sierra Club

St. Philomena Social Justice Ministry (CA)
 t.e.j.a.s. (Texas Environmental Justice Advocacy Services) (TX)
 Texas Campaign for the Environment (TX)
 Toxics Action Center Campaigns
 Tri-Valley CAREs (Communities Against a Radioactive Environment) (CA)
 Tribal Environmental Watch Alliance
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 Women's Voices for the Earth

¹ EPA, About the Office of Land & Emergency Mgmt., <https://www.epa.gov/aboutepa/about-office-land-and-emergency-management>.

² White House Announcement (Mar. 2, 2018), <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-announces-intent-nominate-personnel-key-administration-posts-38/>; About ACC, <https://www.americanchemistry.com/Membership/MemberCompanies/>.

³ Union of Concerned Scientists, *Bad Chemistry: How the Chemical Industry's Trade Association Undermines the Policies That Protect Us* (2015), <https://www.ucsusa.org/center-science-and-democracy/fighting-misinformation/american-chemistry-council-report#.Ws5xgojwaUk>; see also cases cited in notes 6, 13, below.

⁴ See DowDupont Inc., U.S. Securities and Exchange Commission Form 10-K (for the fiscal year ended Dec. 31, 2017), p. 73, available at http://s21.q4cdn.com/813101928/files/doc_financials/2017/q4/DowDuPont-Q4Y17-Form-10K.pdf.

⁵ U.S. EPA FOIA-011 Noticed Parties at SEMS Sites (Run Date: 5/13/2018), available at <https://semspub.epa.gov/work/HQ/201035.pdf> (sorted by region, state, site name, party name) (last checked 5/24/18). See also Union of Concerned Scientists, Peter Wright's Nomination Means Superfund Conflicts in Almost All 50 States, <https://blog.ucsusa.org/genna-reed/peter-wrights-nomination-superfund-conflicts-of-interest>; Report of EPA Superfund Program, Noticed Parties at CERCLIS Sites (List-11), Version 1.02 (Oct. 28, 2013), <https://web.archive.org/web/20170612202749/https://www.epa.gov/sites/production/files/2015-09/documents/list-11.pdf> (sorted by region, state, site name, party name); U.S. EPA, List 11-Responsible Parties at CERCLIS Sites, <https://web.archive.org/web/20170105001216/https://www.epa.gov/superfund/list-11-responsible-parties-cerclis-sites> (explaining that "[t]he List 11 lists responsible parties at Superfund sites that have received Special or General Notice letters from EPA.").

⁶ See, e.g., *NRDC v. EPA*, 755 F.3d 1010 (D.C. Cir. 2014) (vacating a 1998 regulatory exemption for hazardous waste burning, see 63 Fed. Reg. 33,782, that Dow sought and ACC defended);

ACC v. EPA, 337 F.3d 1060 (D.C. Cir. 2003) (rejecting ACC's challenge to a hazardous waste regulation); *Cement Kiln Recycling Coalition v. EPA*, 255 F.3d 855 (D.C. Cir. 2001) (rejecting challenges by Dow and ACC *et al.* to regulations for hazardous waste burning facilities); *see also* Union of Concerned Scientists, Peter Wright's Nomination Means Superfund Conflicts in Almost All 50 States, <https://blog.ucsusa.org/genna-reed/peter-wrights-nomination-superfund-conflicts-of-interest>.

⁷ White House Announcement, note 2.

⁸ The Horinko Group, Ask the Experts- RCRA 2040 (July 11, 2016), http://www.thehorinkogroup.org/featured_column/2016/07/11/ask-the-experts-rcra-2040/.

⁹ EPA, Superfund Site: Tittabawassee River, Saginaw River & Bay Midland, MI Cleanup Activities, <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0503250#Status>; *see also* Lerner, S., *The Intercept*, March 29, 2018, *Trump's Nominee To Oversee Superfund Program Spent Decades Fighting EPA Cleanups On Behalf Of Polluters*, <https://theintercept.com/2018/03/29/epa-superfund-scott-pruitt-peter-wright/> (cited and linked by Albeck-Ripka L. *et al.*, America Before Earth Day: Smog and Disasters Spurred the Laws Trump Wants to Undo, Apr. 21, 2018, *NY Times*, <https://www.nytimes.com/2018/04/21/climate/environmental-disasters-earth-day.html> ("some people nominated for key positions have direct links to polluting industries")).

¹⁰ Lerner, *The Intercept*, note 9.

¹¹ Wright, Peter C. *et al.* Twenty-five Years of Dioxin Cancer Risk Assessment, *Nat'l Res. & Env't* Vol. 19 No. 4, pp. 31-35 (Spring 2005), https://www.jstor.org/stable/40924608?seq=1#page_scan_tab_contents.

¹² EPA, Final Amendments to the Risk Management Program (RMP) Rule, <https://www.epa.gov/rmp/final-amendments-risk-management-program-rmp-rule>; *see also* Report of BlueGreen Alliance *et al.*, A Disaster In The Making (Apr. 3, 2018; updated June 12, 2018), <https://earthjustice.org/features/toxic-catastrophes-texas-national-chemical-disaster-rule>.
¹³ *See Am. Chemistry Council v. EPA*, D.C. Cir. No. 17-1085; Brief of American Chemistry Council *et al.*, *Air Alliance Houston v. EPA*, No. 17-1155 (consol. with No. 17-1181), ECF No. 1715777 (filed Jan. 31, 2018); EPA, 2016 Risk Management Plan (RMP) National Database files (non-OCA) Version, <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0311>.

¹⁴ EPA, OLEM, Risk Management Plan (RMP) Facility Accident Data, 2004-2013 (Feb. 2016), <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0002> (searchable, filterable, and sortable by company); EPA, OLEM, Risk Management Plan (RMP) Facility Accident Data, 2014-2016 (Apr. 2018), <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0909> (searchable, filterable, and sortable by company).

¹⁵ EPA Facility Accident Data 2004-2013, *supra* note 14; EPA Facility Accident Data 2004-2013, *supra* note 14.

Senator BARRASSO. Senator Whitehouse.

Senator WHITEHOUSE. Thank you very much.

Welcome to both of you. Given the way things are going at EPA right now, I want to ask you each, first, if you are to be confirmed, what do you think the proper relationship should be between regulated entities and their regulator in matters where the public health, safety, and welfare is involved?

Mr. McIntosh.

Mr. MCINTOSH. Having been on both sides over the last 40 years of both being regulated and being a regulator, really, the relationship is governed by the rule of law. Companies, and in general, the agencies are all committed to protecting the public health and the environment, and the agencies are committed to implementing the law and the companies are committed to complying with the law.

Senator WHITEHOUSE. Under what circumstances should the companies be able to direct the regulators' activities or conclusions?

Mr. MCINTOSH. Companies are usually always able to talk to the agencies about their issues, but the rule of law will be the thing that trumps everything, and at some point the companies will have to comply with the rule of law.

Senator WHITEHOUSE. Mr. Wright, same two questions, proper relationship and should the regulated entity be able to direct the regulator.

Mr. WRIGHT. OK, so the relationship is governed by the rules, regulations, policies, and procedures of the particular program at issue as between the parties. With respect to the second question, again, it depends on the particular program, the particular context in which those discussions might take place, whether it is a consultation, whether it is negotiations over the terms of a consent order. Again, I think it depends on the particular context.

Senator WHITEHOUSE. I would like to ask each of you to say something about the concept of regulatory capture.

Are you familiar with the concept, Mr. McIntosh?

Mr. MCINTOSH. I am not familiar with that term.

Senator WHITEHOUSE. Well, you are probably going to be.

Mr. Wright.

Mr. WRIGHT. I am also not familiar with that term.

Senator WHITEHOUSE. OK.

So, assume that you are in office. What do you think is appropriate regarding having your professional staff run personal errands for you, like lotion producing or used hotel mattress seeking?

Mr. McIntosh.

Mr. MCINTOSH. Again, I am not part of the Agency. Should I be confirmed, and I hope I am confirmed, I will follow and be committed to following all the guidance of our ethics officials and all the rules and regulations that govern us carrying out our official duties.

Senator WHITEHOUSE. Will you ask your official employees to run personal errands for you?

Mr. MCINTOSH. I will follow all the ethics rules and rules and regulations of the agency.

Senator WHITEHOUSE. Huh. I would have thought that would have been an easier question to answer.

You, Mr. Wright.

Mr. WRIGHT. Senator, I am also not at the Agency now, so I am not fully familiar with all of the policies and procedures that apply, but I also would follow all of the guidance from ethics officials about appropriate assignments and responsibilities.

Senator WHITEHOUSE. Can you assure us that you wouldn't ask official staff to run personal errands for you?

Mr. WRIGHT. I have no intention to do so.

Senator WHITEHOUSE. How about housing? Will you accept housing here in Washington paid for by lobbyists or regulated interests, or subsidized by lobbyists or regulated interests?

Mr. McIntosh.

Mr. MCINTOSH. No.

Senator WHITEHOUSE. Mr. Wright.

Mr. WRIGHT. I have no need to.

Senator WHITEHOUSE. With respect to travel, are you willing to fly regular coach or will you demand first class travel?

Mr. McIntosh.

Mr. MCINTOSH. I generally fly coach. I am not familiar with the travel regulations with the Federal Government; I am with Ford and the State government, but I will commit to following the regulations.

Senator WHITEHOUSE. Mr. Wright.

Mr. WRIGHT. Senator, I also am not familiar with the travel regulations. Coach is fine, but I don't know if there are other provisions for different circumstances.

Senator CARPER. Can I just interrupt for a second?

I will just observe that sometimes the train works, too, for what it is worth.

Senator WHITEHOUSE. Will you give your professional staff a list of travel destinations that you would like to visit and tell them to find something for you to do there so that you can go visit your desired travel destinations?

Mr. MCINTOSH. If confirmed, my understanding is that I will be required to set up official visits throughout the world, and again, I will follow all the regulations of the Agency and the Government, as well as the ethics officials' guidance.

Senator WHITEHOUSE. But you will be doing that based on official needs, not your desire to go visit places.

Mr. MCINTOSH. Yes. My job will be to plan official visits.

Senator WHITEHOUSE. And you won't be making pretext visits to places you simply want to go see at taxpayer expense.

Mr. MCINTOSH. No.

Senator WHITEHOUSE. Mr. Wright.

Mr. WRIGHT. My answer to the question is no.

Senator WHITEHOUSE. Thank you.

My time has expired, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Whitehouse.

Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, very much.

On November 3rd, the Environmental Protection Agency and 12 other Federal agencies released the Fourth National Climate Assessment. This report decisively concludes that humans are the main cause of rising global temperature.

Mr. Wright, do you agree that humans are the main cause of climate change?

Mr. WRIGHT. I agree that humans cause climate change.

Senator MARKEY. Are they the main cause of climate change?

Mr. WRIGHT. I am not detailedly familiar with the science to put the relative weight, but I believe they are a cause.

Senator MARKEY. A cause, right, but the main cause is what the conclusion that was reached by 12 Federal agencies, including the EPA. You don't agree with that finding?

Mr. WRIGHT. I am not familiar in any detail with that finding. I don't disagree with it.

Senator MARKEY. OK.

Well, Mr. McIntosh, do you agree that humans are the main cause of climate change?

Mr. MCINTOSH. I am not familiar with that particular report. I understand humans are a contributing factor to climate change, but I can't say whether or not they are the main cause.

Senator MARKEY. Right. Neither of you know whether or not climate change is caused mainly by human activity, which is an interesting position to be able to take at this late date in the discussion over the issue.

And here is the good news. Because your previous employers would actually disagree. Ford, for whom Mr. McIntosh, and Dow, for whom Mr. Wright, have both said that climate strategies that work to cut down on greenhouse gas emissions because of the threats posed by climate change. Dow even calls it the most urgent environmental issue that society faces today, so that is something that Dow reached as a conclusion at the time that you were there. And of course, these 12 Federal agencies have also reached that conclusion, and you remain unable to make a judgment on the subject. But given the positions that you are both seeking to take, I think it would be reassuring to know that you had reached such a conclusion.

Mr. Wright, if confirmed, you would be in charge of our Superfund program. Hundreds of Superfund sites around the country are in flood prone areas or in areas that are at risk of sea level rise, putting 2 million people in danger. During Hurricane Harvey, huge floods triggered a toxic fire at the Arkema Chemical Plant. The company argued that they didn't have a plan for how to prevent a fire from happening because the level of flooding was unprecedented. But in the era of climate change, we need to plan for unprecedented events.

In that same storm, flooding caused a leak in the San Jacinto waste pits, a dangerous Superfund site. Testing found levels of dioxin nearby that were more than 2,000 times higher than the EPA's recommended cleanup level.

The EPA's own Climate Change Adaptation Plan, issued in 2014, raised the alarm of how climate impacts could result in the release of toxic chemicals from hazardous waste Superfund sites, calling it a "key vulnerability."

In response to a question from Senator Carper earlier, you agreed that taking climate impacts into account for Superfund sites was essential. Unfortunately, Scott Pruitt does not seem to agree that we should be preparing for the impacts of climate change. Ad-

ministrator Pruitt assembled a Superfund task force which was headed by his personal friend, a banker with no environmental experience, and asked it to come up with recommendations on how to improve the Superfund remediation process. That report made zero mentions of climate change or climate impacts on Superfund sites in its 34 pages.

Mr. Wright, do you think these recommendations should have addressed the issue of climate impacts on Superfund sites?

Mr. WRIGHT. Senator, I am not familiar with all the details of how the task force was put together, but it seems to me very plausible that it could have assumed that that climate change guidance that you referenced was existing and would be considered part of the way in which EPA would continue to address the sites.

Senator MARKEY. So you think that it has now become a self-evident truth that you don't even have to mention, just assume to be a risk and doesn't have to be included at all? Would you think that perhaps the answer is that the banker friend of Scott Pruitt perhaps did not want it to be included because he himself, that is, Pruitt, is a climate denier?

Let me just ask this. Will you ensure that climate impact on Superfund sites is in fact something that you put at the top of your list, given the fact that climate change is a serious problem?

Mr. WRIGHT. It is serious, and it should be incorporated into remedies, and I think, as I have previously stated, I think it is critical that the Agency consider the impacts that we saw last year from the hurricanes and plan for that accordingly in the future.

Senator MARKEY. Thank you, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Markey.

Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman.

Let me thank both of our nominees for their willingness to serve the public, also thank their families. It is not an easy time to serve, and the areas that you would have responsibility are challenging areas, so I thank you for your willingness.

Mr. Wright, I want to talk a little bit about risk management plans. I say that for a couple reasons. First, in your current or prior life in regards to your work that you did at DowDuPont, there were a lot of incidences involving accidents and injuries in which the risk management plan comes into effect.

The Administration has proposed delaying the new rules on this, and I want to home in on one specific area that affects Maryland. On September 18th of last year we had a chlorosulfonic acid leak in Baltimore that put thousands of people at risk; they were ordered to shelter in place. There was a concern that if they inhaled this, it could lead to very, very serious health risks. If it had contacted water, it could explode. And there was a significant concern as to the public health risk as it relates to this spill.

It is my understanding currently that this type of chemical is not covered under the Risk Management Plan, and I would hope that you would help and work with us to expand the Risk Management Plan to cover that type of exposure, considering what happened in my State.

If you could comment on that now, fine. If not, I will take it for the record. But I would also ask you to work and explain why or

how you would make sure that these Risk Management Plan rules are effective as quickly as possible, considering the risk factors to our community on public health.

Mr. WRIGHT. Well, Senator, as I have stated earlier in this hearing, I think chemical safety is paramount, very important. At the present time, I am not deeply up to speed with the current set of regulatory proposals, but if confirmed, I will get up to speed on all of those and work on that, and would be glad to work with you and your staff on these issues.

Senator CARDIN. Well, I appreciate that willingness. I might take advantage of asking you a question for the record to give you a little more time to respond. I really want to know your commitment to public health as it relates to the Risk Management Plans and your response to how we can better prepare for the type of incident that happened in Baltimore. We were not as prepared as we needed to be, and let's learn from what has happened. People were sheltering in place, and they didn't know the protocols as it related to—it is right near water. If it would have hit water, it would have been catastrophic.

So I appreciate the fact that you are not up to speed right in on these particular issues, but I would appreciate a comfort level that you will be committed doing everything we can for public safety as it relates to these Risk Management Plans.

Mr. WRIGHT. Senator, I will make that commitment, if confirmed.

Senator CARDIN. Thank you.

Thank you, Mr. Chairman.

Senator BARRASSO. Final question, Senator Carper.

Senator CARPER. Mr. McIntosh, you worked how many years at DowDuPont?

Mr. MCINTOSH. Ford Motor Company, 19 years.

Senator CARPER. And how many years did you work at Dow?

Mr. WRIGHT. I worked for Dow for 19 and a half years.

Senator CARPER. OK.

Senator Markey, did you just read a statement from Andrew Liveris on climate change, did he just read that in his question? I think he was asking you questions did you agree about—I think he asked one of you your views on climate change, the contributions that humans have to climate change, and neither of you were very clear, and you said, well, it is a factor. And then he read I think from Dow, I think he read from Dow. I don't know if it was Andrew Liveris who he was quoting or not, Chairman of Dow.

But for Ford, these are the words of Bill Ford, and I think they are probably worth noting. He is still the chairman of the company, as you probably know. But here is what he said, "Climate change is having a significant effect on our planet. We know climate change is real and a critical threat, and we will continue to work with leaders around the world in support of ambitious, global greenhouse gas reduction targets." Those are his words, and I will just say I am Tom Carper, and I approve that message. Thank you.

Would you introduce your families again? I think I was out of the room when you introduced your families. Would you just take a minute to introduce your families? Who are those people sitting behind you?

Mr. MCINTOSH. Today, my son, Scott, and his lovely wife, Katie, are here. Then there are a number of other family watching, my lovely wife, Melanie, my other son, Andrew, and Jen, and then Carl and Jennie, and my grandchildren, Eda and Cameron are all watching, although they are probably asleep by now.

Senator CARPER. Please.

Mr. WRIGHT. So, Senator, actually, my wife is actually sitting behind—

Senator CARPER. This not like the weddings, where the bride—

Mr. WRIGHT. Right. It got a little confused at the last second— together with Dan and Jess who flew out from Midland to be with us, and a number of colleagues and friends I think are with us as well; and my daughter, Audrey, is possibly watching, she will watch the tape from Europe.

Senator CARPER. Can I have one more minute?

I have a stepson who lives in Detroit, and now I have a son who lives there and works for General Motors for a special summer project. He is a graduate student in business.

But a year ago, on Father's Day, my stepson, who lives in Rochester Hills, was in Paris on a family vacation with his four kids, and they turn on television live in their hotel room, I guess it was in the evening, and MSNBC was on—no, no, no, Meet the Press was on, and I was on, and they had this big screen TV in their hotel room, so there I am on television, and these four kids are gathered around, watching me on Meet the Press. This was the only time I was ever on Meet the Press, and they sent it to me, and we have had more fun with that picture. I was there for Father's Day, and we looked at it again and said what a special treat that was for them and for me, especially for me.

All right, thanks so much.

Senator BARRASSO. Well, no further questions today.

Members may submit written questions, follow up questions for the record, and they will have to do that by the close of business on Wednesday, June 27th, so we would ask that you respond by the close of business by Monday, July 9th.

I want to thank you and congratulate you on your nomination again. Thank you for your testimony today, for all your hearing time, and the hearing is adjourned.

[Whereupon, at 11:37 a.m. the Committee was adjourned.]

[Additional material submitted for the record follows:]

G. TRACY MEHAN, III
1300 Eye Street, N.W., Suite 701W
Washington, D.C. 20005

June 18, 2018

The Honorable John Barrasso, M.D.
Chair &
The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

RE: William McIntosh, nominee, Assistant Administrator for the Office of International and Tribal Affairs,
U.S. Environmental Protection Agency

Dear Senators Barrasso and Carper,

It is with great pleasure that I write in support of William ("Chad") McIntosh's nomination for Assistant Administrator for the Office of International and Tribal Affairs at the U.S. E.P.A. I had the opportunity of serving with Chad McIntosh for eight years while I ran the Michigan Office of the Great Lakes in the cabinet of then Governor John Engler. Chad served as both environmental advisor to the Governor and then as a deputy at the Department of Environmental Quality in which my office was housed. We worked on numerous international, interstate and state issues relating to the Great Lakes and the waters of the state of Michigan including toxic regulation, invasive species, water diversions, and nonpoint source pollution.

Chad McIntosh brings technical engineering and legal knowledge and experience to government service. He is also a man of integrity who can be counted on to honor the highest ethical standards. His experience in both government and with a multinational corporation (Ford), working in regulatory environments around the globe, make him an ideal candidate for this Assistant Administrator post.

As a former Assistant Administrator for Water at E.P.A., I had responsibility for the tribal program at the time. Based on that experience, I believe Chad will provide great assistance and expertise, across all media, in serving the nation's tribal governments as well.

Thank you for your interest. I hope you will confirm Chad McIntosh to this position.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Tracy Mehan, III", with a stylized flourish at the end.

Statement in Support of Chad McIntosh

As

Assistant Administrator for International and Tribal Affairs

As someone who had the pleasure to work with Chad McIntosh on Great Lakes and other environmental issues in Michigan state government, I can testify to his solid technical, policy and legal expertise as both an engineer and an attorney. He was a conscientious public servant and an outstanding conservationist. Subsequently, he demonstrated leadership in corporate environmental affairs at Ford. He will be an excellent addition to the team at EPA. He is a great colleague and administrator.

G. Tracy Mehan, III

Former director, Michigan Office of the Great Lakes

Former Assistant Administrator for Water at US EPA

February 26, 2018

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June 18, 2018

The Honorable John A. Barrasso, M.D.
Chairman
U.S. Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
U.S. Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

As the Executive Director of the Air Permitting Forum, I write to express my strong support for the nomination of William ("Chad") McIntosh for the position of Assistant Administrator for the Office of International and Tribal Affairs at the U.S. Environmental Protection Agency (EPA). The Air Permitting Forum is a trade association comprised of Fortune 100 companies that focuses on Clean Air Act implementation and advocacy.

Mr. McIntosh is highly qualified for this position, given his longstanding government service and service in the private sector in support of environmental compliance and continuous improvement. Having worked with Chad as a member of the Air Permitting Forum where he represented Ford Motor Company for many years, I can say with confidence that he has the degree of commitment, integrity, diplomacy, and knowledge of environmental law to be a great success in this position. His collaborative demeanor and problem solving skills will be a tremendous asset to the EPA.

Chad has longstanding experience in numerous federal and state environmental programs, which is particularly helpful for this position at EPA since the assistant administrator will work across the agency's programs and regions to develop and implement policy and programs in service of U.S. public health and the environment. In Michigan, Chad served as then-Governor Engler's Environmental and Natural Resources Policy Advisor and also as the Deputy Director of the Michigan Department of Environmental Quality (DEQ), addressing all of DEQ's regulatory programs. At Ford, Chad had significant compliance responsibilities for nearly 20 years, providing him needed perspective as to how regulations are implemented in practice. Chad has a strong work ethic and understands the importance of meeting regulatory commitments and deadlines. As Tribal governments work to administer their regulatory


Chairman Barrasso and Ranking Member Carper
June 18, 2018
Page 2

programs and look to EPA for support and guidance, Chad is an ideal leader to ensure that these needs are met.

Chad also shares two key characteristics with me—being a chemical engineer and a lawyer. As an engineer and a lawyer, I wholeheartedly support bringing into the agency as many people as possible who have both a scientific and legal background. His ability to understand the issues presented by the scientific community within EPA and by outside stakeholders and marry that perspective with the legal advice he will receive from the agency's lawyers will be a significant benefit to ensuring his success in this role.

In sum, Chad McIntosh is an excellent choice for Assistant Administrator for the EPA's Office of International and Tribal Affairs, and I strongly support his confirmation by the Senate. Please do not hesitate to call me with any questions at 415-818-2275 or to email me at sbroome@HuntonAK.com.

Sincerely,



Shannon S. Broome

Executive Director, Air Permitting Forum
Hunton Andrews Kurth LLP
San Francisco Office Managing Partner &
California Environmental Practice Leader



June 18, 2018

Chairman John Barrasso, M.D. and Ranking Member Tom Carper,
United States Senate
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510.

Dear Chairman Barrasso and Senator Carper,

The Michigan Manufacturers Association supports the appointment of William "Chad" McIntosh as Assistant Administrator for the United States Environmental Protection Agency (EPA), Office of International and Tribal Affairs.

Mr. McIntosh's education, background and almost 40 years' experience here in Michigan and globally puts him in a unique position to serve in this important capacity. He is both a registered professional chemical engineer as well as a lawyer and member of the Michigan State Bar.

Mr. McIntosh served Governor John Engler as his Environmental and Natural Resources Advisor in the early 1990's and later served as Deputy Director of the Michigan DEQ. In those roles he interacted with the Tribal Governments in Michigan and the Great Lakes region.

He has extensive experience in the regulatory arena as both a compliance and permitting engineer within the Michigan Department of Environmental Quality and later working on global environmental responsibilities for the Ford Motor Company.

Mr. McIntosh's background as an engineer and a lawyer makes him eminently qualified to serve as an assistant administrator within the Environmental Protection Agency. His many years of working within government and then handling global regulatory challenges for a large manufacturer have given him the international environmental and sustainability experience so necessary in today's environmental world. MMA highly recommends his appointment to this important post at the EPA.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Such".

Andrew J. Such
Director of Environmental and Regulatory Policy

Chairman John Barrasso, M.D. and Ranking Member Tom Carper,
United States Senate
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510.

Dear Chairman Barrasso and Senator Carper,

My name is Timothy O'Brien. I am writing with regard to the candidacy of Chad McIntosh for a position with U.S. EPA. I have known and worked with Chad for over 20 years.

I retired from Ford Motor Company as Deputy Chief of Staff to the CEO/Executive Chairman, and previously held a number of senior legal and environmental management positions at Ford. I am currently Senior Advisor to the Director of the Michigan Department of Environmental Quality (DEQ).

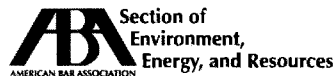
I hired Chad into Ford Motor Company from his position as Deputy Director of DEQ, based upon my experience with him as a professional with strong engineering and legal skills, as well as his demonstrated ability to implement conservative environmental policy without compromising environmental protections. In his time at Ford, Chad continued to be a leader in environmental and business performance, in both U.S. and international leadership roles.

I have every confidence that Chad's background and experience, as well as his past performance, will position him to be a strong leader at U.S. EPA.

Please feel free to contact me (313)729-6682 if I can be helpful as this proceeds.

Regards,

Tim O'Brien



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2017-2018
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February 28, 2018

Via E-mail

The Honorable John Barasso, M.D.
Chairman
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Dr. Barasso and Mr. Carper:

The signatories to this letter, the current Chair, and many former Chairs of the American Bar Association's Section of Environment, Energy, and Resources (SEER), are pleased to offer their support for the consideration of Peter C. Wright as Assistant Administrator of the U.S. Environmental Protection Agency's (EPA) Office of Land and Emergency Management (OLEM). Peter has been a friend, colleague, inspiring leader, and faithful supporter of SEER for many years. Peter's leadership skills, expansive subject matter expertise in OLEM-related areas, impeccable character, and personal integrity will ensure his success as Assistant Administrator of OLEM.

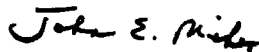
SEER is the premier forum for environment, energy, and natural resource lawyers. Our 10,000 plus members share their expertise, leadership, and vision for the future by collaborating on educational programs, public service outreach, and a vast array of publications on topics relevant to our members and the broader legal and lay communities interested in these topics.

Peter has been a SEER member for many years and has served in countless leadership positions. Peter's calm, deliberate, and comforting style, his expansive substantive knowledge of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), and related land management legal and regulatory systems and programs, as well as his personal integrity and honor have earned the respect

The Honorable John Barasso, M.D.
 The Honorable Thomas R. Carper
 December 15, 2017
 Page 2

and admiration of SEER officers, members, and staff. Peter's career, his selfless commitment to SEER and the members it serves, and his well-recognized personal integrity exemplify the highest standards of the legal profession. We enthusiastically and without reservation support the consideration of Peter as Assistant Administrator for OLEM, and believe Peter will serve the office with distinction and honor.

Sincerely,



John E. Milner, Esquire
 Chair
 American Bar Association
 Section of Environment, Energy, and Resources

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**Re: Nomination of Peter C. Wright as Assistant Administrator for the Office of Land and
Emergency Management, U.S. Environmental Protection Agency**

Dear Chairman Barrasso and Ranking Member Carper:

I am writing in my personal capacity in enthusiastic support of the nomination of Mr. Peter C. Wright as Assistant Administrator of the United States Environmental Protection Agency for the Office of Land and Emergency Management ("OLEM"). As an environmental lawyer for more than thirty years whose practice has emphasized the legal issues under the jurisdiction of OLEM and its predecessor office, I fully understand the importance of this office to the protection of the environment and the public health and welfare of the United States. I am also fully aware of the critical role that the Assistant Administrator plays in setting environmental policy, including policies concerning the cleanup of contaminated sites under the federal Superfund Program.

It is difficult to imagine a candidate more qualified for this position than Mr. Wright. He would bring to the Assistant Administrator role a wealth of substantive knowledge and experience acquired over several decades as one of the most widely respected practitioners in this highly complex area of law. He would also bring a strong sense of practicality and fairness acquired in the trenches of environmental law, as well as his commitment to expediting accomplishment of OLEM's important objectives. Based on my personal knowledge of Mr. Wright and my experience in working with him, I have complete confidence that he has the character, knowledge, and abilities necessary to lead OLEM with distinction.

For these reasons, I support Mr. Wright's nomination highly and without reservation. I believe that, if confirmed, he will capably serve OLEM, EPA, and the public as Assistant Administrator.

Sincerely,

Laurence S. Kirsch
Partner and Chair, Energy and Environmental Practice